

The Auditor-General
Report No.38 2009–10
Assurance Report

Campaign Advertising Review July 2009 – March 2010

Australian National Audit Office

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Canberra ACT
21 May 2010

Dear Mr President
Dear Mr Speaker

In accordance with the authority contained in the *Auditor-General Act 1997*, the Australian National Audit Office has undertaken individual reviews of proposed government advertising campaigns.

Pursuant to *Senate Standing Order 166* relating to the presentation of documents when the Senate is not sitting, I present this report and accompanying brochure on advertising review activities. The report is titled *Campaign Advertising Review July 2009 – March 2010*.

Following its presentation and receipt, the report will be placed on the Australian National Audit Office's Homepage—<http://www.anao.gov.au>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian McPhee', is positioned above the printed name.

Ian McPhee
Auditor-General

The Honourable the President of the Senate
The Honourable the Speaker of the House of Representatives
Parliament House
Canberra ACT

AUDITING FOR AUSTRALIA

The Auditor-General is head of the Australian National Audit Office (ANAO). The ANAO assists the Auditor-General to carry out his duties under the *Auditor-General Act 1997* to undertake performance audits and financial statement audits of Commonwealth public sector bodies and to provide independent reports and advice for the Parliament, the Australian Government and the community. The aim is to improve Commonwealth public sector administration and accountability.

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Abbreviations

AGS	Australian Government Solicitor
ANAO	Australian National Audit Office
ASAE	Australian Standard on Assurance Engagements
ATSI	Aboriginal and Torres Strait Islander
CAB	Communications Advice Branch
CEO	Chief Executive Officer
Finance	Department of Finance and Deregulation
FMA Act	<i>Financial Management and Accountability Act 1997</i>
ICC	Independent Communications Committee
IDCC	Interdepartmental Committee on Communications
JCPAA	Joint Committee of Public Accounts and Audit
June 2008 Guidelines	Guidelines on Campaign Advertising by Australian Government Departments and Agencies, June 2008
March 2010 Guidelines	Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies (March 2010)
MCGC	Ministerial Committee on Government Communications
NESB	Non English Speaking Background

Auditor-General's Foreword

This is my second, and final, report on the reviews of government advertising by the Australian National Audit Office (ANAO). On 31 March 2010, the Government announced changes to the arrangements for government advertising which modified the Government's then guidelines and established a new review body to review campaigns.

The ANAO has issued a total of 89 independent review reports in respect of 43 campaigns in the period June 2008 to the end of March 2010. We have also provided advice to the Cabinet Secretary and the Joint Committee of Public Accounts and Audit on areas where, in the light of experience, the guidelines could be improved, and to agencies on areas where administrative procedures could be strengthened.

The performance of agencies in the current financial year, relative to the previous financial year, had improved in applying the guidelines to their administrative practices. In this context, I am pleased with the significant contribution that the ANAO has made in bringing rigour and discipline to this aspect of public administration that, in the past, has been problematic to say the least. The contribution made by the ANAO to strengthen the administration of campaigns has been recognised by the Cabinet Secretary and others, which we appreciated.

To assist with the transition to the new arrangements for government advertising, the ANAO has provided the new review body responsible for reviews under the revised arrangements with the benefit of our experience and information regarding the procedures we employed.

I will continue to schedule periodic performance audits of government advertising in our performance audit program.



Ian McPhee

Summary

Summary

Introduction

1. The Government has recently reviewed the arrangements for government advertising, and as a result has implemented revised guidelines and new administrative arrangements, with effect from 31 March 2010. The new arrangements include the appointment of a new review body, the Independent Communications Committee (ICC),¹ to undertake reviews of proposed advertising campaigns previously performed by the Australian National Audit Office (ANAO).

2. Prior to these changes, government advertising campaigns were required to conform with *Guidelines on Campaign Advertising by Australian Government Departments and Agencies* issued in June 2008.² The June 2008 Guidelines required that a Minister only launch an advertising campaign when:

- the Chief Executive Officer (CEO) of the agency undertaking the campaign had certified that the campaign complied with the June 2008 Guidelines and relevant government policies; and
- for campaigns with expenditure in excess of \$250 000, the Auditor-General had provided a report to the Minister on the proposed campaign's compliance with the June 2008 Guidelines.

3. From June 2008 to the end of March 2010, the Auditor-General, or his delegates, issued a total of 89 independent review reports on campaigns' compliance with the Government's June 2008 Guidelines.

4. The June 2008 Guidelines, which had regard to earlier recommendations of the Joint Committee of Public Accounts and Audit

¹ The Independent Communications Committee consists of three former public servants appointed to the role by Government: Dr Allan Hawke, Ms Helen Williams and Ms Barbara Belcher.

² For the purposes of this report, the *Guidelines on Campaign Advertising by Australian Government Departments and Agencies*, June 2008 will be referred to as the June 2008 Guidelines, and the *Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies*, (March 2010) will be referred to as the March 2010 Guidelines. Both sets of Guidelines are produced and administered by the Department of Finance and Deregulation. The June 2008 and March 2010 Guidelines are reproduced as appendices to this report.

(JCPAA) and the Auditor-General, provided clarity regarding the role of CEOs as having the sole responsibility for certifying a proposed campaign's compliance with the Guidelines. The Auditor-General's role was to report to the responsible Minister on whether anything had come to his attention during the review of the CEO's certificate and information supporting the certificate, to suggest that the relevant campaign did not comply, in all material respects, with the requirements of the June 2008 Guidelines. The final decision to launch the campaign appropriately rested with the responsible Minister.

5. On 31 March 2010, the Government announced a number of changes to the previous framework, including:

- replacement of the June 2008 Guidelines with a revised set of guidelines, the March 2010 Guidelines;
- the establishment of the ICC, in place of the Auditor-General, to review proposed advertising campaigns over \$250 000;
- a proposal that Government request the Auditor-General to consider annual performance audits in this area; and
- the abolition of the role of the Interdepartmental Committee on Communications (IDCC) in reviewing campaigns from a whole-of-government perspective.

6. Because the arrangements applying to government advertising reflect government policy rather than legislation, it is within the province of government to vary the applicable administrative arrangements. It is noteworthy, in this context, that both the guidelines and the review arrangements have been varied by the Government relative to its earlier policy platform. Only time will tell the extent to which these new arrangements will consolidate the gains made under the previous arrangements.

7. Given the continuing interest in this area of public administration, the ANAO will continue to schedule periodic performance audits of government advertising in its forward work program.

Report objective

8. As part of the ANAO's role in reviewing proposed advertising campaigns for compliance with the June 2008 Guidelines, the Auditor-General advised the JCPAA that the ANAO would provide regular summary reports on its advertising review activities to Parliament. Section 25 of the *Auditor-General Act 1997* provides for the tabling of such reports.

9. This report follows Report No.2 2009–10, *Campaign Advertising Review 2008–09*, providing the ANAO's perspective on the operation of the Government's campaign advertising arrangements from July 2009 to the end of March 2010. In considering the experience of the ANAO in undertaking assurance reviews from June 2008 to the end of March 2010, the report also discusses key issues relevant to the operations of the June 2008 Guidelines.

Overall conclusion

10. During the period of the ANAO's role in reviewing government advertising campaigns, the operation of the arrangements for government advertising surrounding government advertising generally held up well, and continued to encourage sound administrative practices in agencies to support evidence-based compliance with the June 2008 Guidelines. Those agencies³ most advanced in the maturity of their administrative arrangements were able to efficiently provide the ANAO with the required documentation to evidence compliance with the June 2008 Guidelines.⁴

11. Agencies have continued to refine their approach leading to a much better understanding of the support required for the certificate provided by CEOs to demonstrate compliance with the June 2008 Guidelines. The ANAO's involvement encouraged better targeted and supported campaigns.

12. The ANAO also refined its approach through the provision of advice for agencies on the ANAO website, and a checklist of required material, tailored to each campaign. However, our reviews showed that there was the continued need for further policy guidance on some specific areas of the application of the June 2008 Guidelines. Those areas, as identified by the Auditor-General in correspondence to the Cabinet Secretary⁵ and the Chair of the JCPAA, included the need to provide greater clarity around: the

³ For the purposes of this report, the term 'agencies' is to be taken as applying to those departments and agencies subject to the *Financial Management and Accountability Act 1997*.

⁴ With the exception of the cost benefit analysis, documents provided by agencies to show compliance with the June 2008 Guidelines were required for other accountability purposes (for example: contracts and other procurement documentation) or are part of the traditional set of documents developed to support campaigns (for example: developmental research, the communications strategy, media brief and the media buy).

⁵ The role of the Cabinet Secretary and Special Minister of State is undertaken concurrently. The Guidelines (both June 2008 and March 2010) refer specifically to the Cabinet Secretary, and therefore references in this report are to the Cabinet Secretary.

requirements of the cost benefit analysis; the boundary between business as usual communication activities, and activities which were subject to the Guidelines; and the identification of those activities which fell within the campaign definition.

13. During 2009 and 2010 the JCPAA conducted an inquiry into the role of the Auditor-General in scrutinising government advertising. The Committee's inquiry, which is still ongoing at the time of preparation of this report, has emphasised a range of matters that are important in the administration of campaigns, including:

- the need to increase the focus on communicating with audiences from non English speaking backgrounds;
- the need for agencies to consider the communication needs of disadvantaged individuals or groups amongst the target audience;
- the need for agencies to consider the broader messages in the community, including media releases or private sector advertising, which may impact on the target audience's understanding of a program; and
- the need for greater clarity in the intended meaning of Guideline 3 of the June 2008 Guidelines: 'material should not be directed at promoting party political interests', and that 'material should be presented in a manner free from partisan promotion of government policy and political argument, and in objective language'.

14. Following the Government's review of the arrangements for government advertising, revised arrangements and a new set of guidelines were announced, on 31 March 2010. It is apparent that while the March 2010 Guidelines provide a greater level of specificity in some areas, other areas are less specific than before.⁶ This is particularly so in the case of Principle 1,⁷ which provides a broader scope in determining the suitable uses of government advertising campaigns, Principle 3,⁸ which provides less guidance

⁶ For example, what constitutes an advertising campaign is more clearly defined in the March 2010 Guidelines, although the definition also reduces the scope of what is considered an 'advertising campaign'.

⁷ Principle 1 – campaigns should be relevant to government responsibilities.

⁸ Principle 3 – campaign materials should be objective and not directed at promoting party political interests.

in interpreting whether campaign materials promote party political interests, and Principle 4,⁹ which no longer requires a cost-benefit analysis to support the proposed campaign. As previously indicated to the Government, these changes represent a general softening in the application of requirements on agencies. Nevertheless, these are matters that rest with Government for decision.

15. To assist with the transition to the Government's new arrangements for government advertising, the ANAO has provided the ICC with the benefit of its experience and information regarding procedures employed, in order to assist the ICC in undertaking future reviews of government advertising.

Chapter Summaries

Chapter 1: The Government Advertising Review process June 2008 to March 2010

16. Advertising is a legitimate element of government communication and information strategies, and has been used as a means of communicating directly with the public on matters of importance. The public nature of government advertising campaigns and the level of expenditure involved have ensured ongoing parliamentary scrutiny and public debate.

17. Chapter 1 provides background information on the government advertising review process from June 2008 to March 2010, and the ANAO's role in reviewing campaigns.

18. The roles of the Department of Finance and Deregulation (Finance) and the IDCC are also discussed. In addition, previous and recent reviews of government advertising arrangements, including an ongoing inquiry by the JCPAA on the role of the Auditor-General in scrutinising government advertising, are covered in this chapter.

19. On 31 March 2010 the Government announced changes to the government advertising framework which included a new review body, the ICC, to replace the role of the Auditor-General in reviewing proposed advertising campaigns. The revised March 2010 Guidelines are discussed in this chapter.

⁹ Principle 4 – campaigns should be justified and undertaken in an efficient, effective and relevant manner.

Chapter 2: ANAO Government Advertising Review activities 2009-10

20. From 1 July 2009 to 31 March 2010, the ANAO provided 31 review reports to responsible Ministers on proposed government advertising campaigns. Tables in chapter 2 provide detail on each campaign, the responsible agency, the date the ANAO was first advised of the campaign, the ANAO review report date and the advised launch date, and the advised budget for each campaign.¹⁰

21. The chapter also covers instances where the ANAO was not required to issue a review report, and where the ANAO issued management letters to agencies regarding issues that arose as a result of, or during the course of, a review but which did not directly impact the final review conclusion.

¹⁰ The budget information is as advised to the ANAO. The ANAO did not collect data on the actual expenditure by agencies on advertising campaigns. Finance is responsible for reporting on the actual costs for each campaign.

1. The Government Advertising Review process June 2008 to March 2010

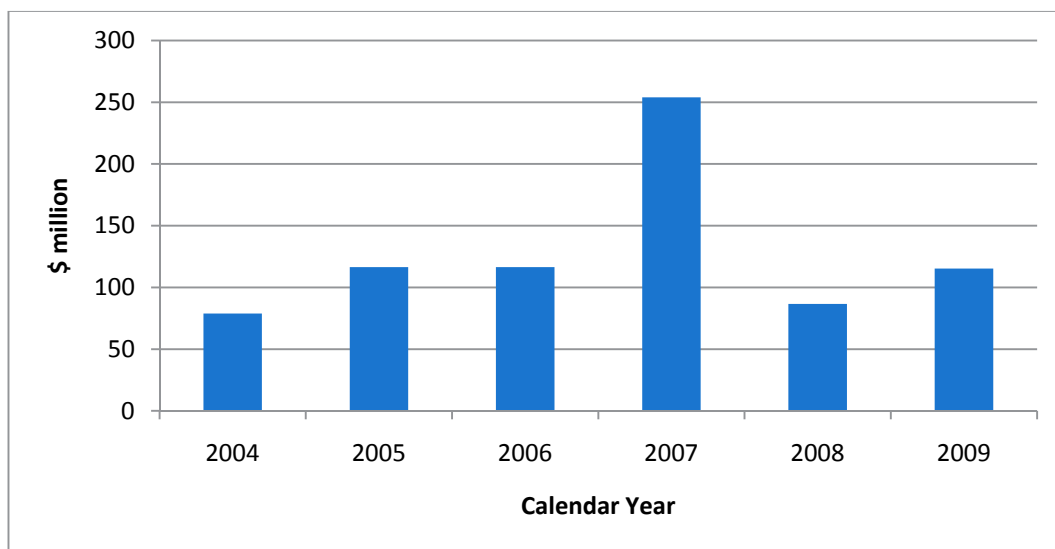
Introduction

1.1 Advertising is a legitimate element of government communication and information strategies. It provides a mechanism for governments to connect directly with citizens, informing them about new and existing government policies, programs or services, providing advice about their obligations, rights and entitlements, and conveying other important information. The extent of government advertising activity has been the subject of ongoing debate and scrutiny over many years.

1.2 The annual cost of advertising rose from \$79 million in 2004 to \$254 million in 2007 (an increase of more than 220 per cent). The annual cost dropped to \$87 million in 2008 and rose to \$115 million in 2009 (see Figure 1.1).

Figure 1.1

Media placement costs by FMA Act agencies by calendar year

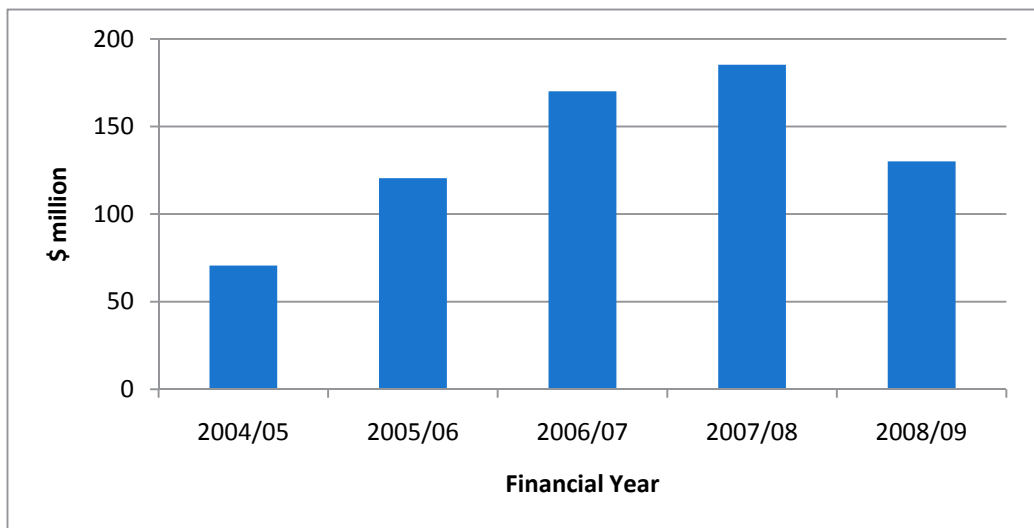


Source: <http://www.finance.gov.au/advertising/docs/Half_year_report_2009.pdf> [accessed 8 April 2010]

1.3 The information in Figure 1.1 (above) and Figure 1.2 (below) is limited to the cost of placing advertisements, rather than the total cost of the campaign.¹¹ The differences between the total cost and the advertising cost (as reported through the Central Advertising System) can be significant. For example, the Department of Finance and Deregulation (Finance) Full Year Report 2008-09¹² identified the cost of placing advertising as \$130.1 million for 2008–09. When consultant services and other costs are included, the total cost of campaigns was \$165.9 million for 2008-09.¹³

Figure 1.2

Media placement costs by FMA Act agencies by financial year



Source: <http://www.finance.gov.au/advertising/docs/Half_year_report_2009.pdf> [accessed 8 April 2010]

¹¹ The costs refer to campaign advertising undertaken by agencies subject to the *Financial Management and Accountability Act 1997* - this data is only available for the period 2004 to 2009. The data covers media placement expenditure (the advertising costs) rather than the total cost of the campaign. Pre-2004 information on expenditure through the Central Advertising System, maintained by Finance, is not comparable to the later data, owing to the inclusion of expenditure by agencies not subject to the *Financial Management and Accountability Act 1997*.

¹² Department of Finance and Deregulation *Campaign Advertising by Australian Government Departments and Agencies Full Year Report 2008-09*, September 2009.

¹³ This includes the H1N1 Influenza (Human Swine Flu) campaign, which was provided an exemption by the Cabinet Secretary, as provided for by the June 2008 Guidelines.

The Guidelines on Campaign Advertising by Australian Government Departments and Agencies, June 2008

1.4 On 2 July 2008, the Government announced the *Guidelines on Campaign Advertising by Australian Government Departments and Agencies, June 2008* (the June 2008 Guidelines¹⁴) to govern the presentation and content of Commonwealth government advertising campaigns.

1.5 Agencies subject to the *Financial Management and Accountability Act 1997* (FMA Act) were required to comply with the June 2008 Guidelines, which required that a Minister only launch an advertising campaign when:

- the Chief Executive Officer (CEO) of the agency undertaking the campaign had certified that the campaign complied with the June 2008 Guidelines and relevant government policies; and
- for campaigns with expenditure in excess of \$250 000, the Auditor-General had provided a report to the Minister on the proposed campaign's compliance with the June 2008 Guidelines.

1.6 There were five Guidelines, prefaced by a number of overarching principles and underpinned by supporting statements. The June 2008 Guidelines stated that:

1. campaign material should be relevant to government responsibilities;
2. campaign material should be presented in an objective, fair and accessible manner;
3. campaign material should not be directed at promoting party political interests;
4. campaign material should be produced and distributed in an efficient, effective and relevant manner, with due regard to accountability; and
5. advertising must comply with legal requirements.

1.7 Prior to the November 2007 Federal Election, the Government's advertising and information activities were coordinated by the Special Minister

¹⁴ For the purposes of this report, the *Guidelines on Campaign Advertising by Australian Government Departments and Agencies, June 2008* will be referred to as the June 2008 Guidelines, and the *Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies, (March 2010)* will be referred to as the March 2010 Guidelines throughout this report. Both sets of Guidelines are produced and administered by the Department of Finance and Deregulation.

of State, who chaired the Ministerial Committee on Government Communications (MCGC). The MCGC approved the design and implementation of major and sensitive advertising and information campaigns.

Arrangements for government advertising – June 2008 to March 2010

The role of the ANAO

1.8 Prior to their release in July 2008, the Auditor-General had agreed, for campaigns with expenditure in excess of \$250 000, to provide a report to the relevant Minister on the proposed campaign's compliance with the June 2008 Guidelines. While it was also open to a Minister to ask the Auditor-General to provide a report on campaigns less than \$250 000 or that were sensitive in nature, all campaigns reviewed by the Auditor-General from July 2008 to March 2010 involved expenditure in excess of \$250 000.

1.9 The review of a proposed advertising campaign's compliance, undertaken by the ANAO as the basis for the Auditor-General's report, was not an audit but was designed to provide limited assurance, on the basis of inquiry, observation and analysis of key documents and information, of compliance with the June 2008 Guidelines.

1.10 The reports were provided in accordance with the functions and powers under the *Auditor-General Act 1997*, in particular section 20(1)(c), which allows the Auditor-General to enter into an arrangement with any person or body to provide services of a kind commonly performed by auditors. To support the arrangement, on 2 July 2008 the Auditor-General issued a letter to 25 agencies proposing arrangements for the conduct of the reviews required by the June 2008 Guidelines. Responses were received from agencies prior to the ANAO undertaking a review.

Assurance reviews

1.11 From June 2008 to 31 March 2010,¹⁵ reviews undertaken by the ANAO of a campaign's compliance with the June 2008 Guidelines were conducted in accordance with the Australian Standard on Assurance Engagements (ASAE)

¹⁵ On 31 March 2010, the Government announced new arrangements for government advertising.

3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*, issued by the Australian Auditing and Assurance Standards Board. Each review was designed to ensure sufficient appropriate evidence was obtained to enable an assurance conclusion to be formed in relation to the proposed campaign's compliance with the June 2008 Guidelines. Where considered necessary, the ANAO utilised the expertise of major auditing and accounting firms in developing its review processes. The ANAO also consulted more broadly with industry and professional groups, for example: the Advertising Standards Board; and key industry experts to assist in the development of ongoing training and the provision of advice.

1.12 The ANAO conducted its reviews by making enquiries and performing procedures as were considered reasonable in the circumstances including:

- examining all relevant campaign materials including, for example, television, cinema and radio commercials, print and magazine advertisements, letters and online and digital content;
- reviewing supporting documents and records relevant to the campaign, including but not limited to strategic documents, policy and administrative approvals, developmental and market research, financial approvals and procurement documentation, and advice and assurances from third parties;
- making enquiries of staff and contractors involved with the preparation of the campaign;
- making an assessment of the reasonableness of the judgements made by the administering agency against each of the guidelines; and
- undertaking an examination of the certification¹⁶ and management representation letter¹⁷ by the CEO.

1.13 The ANAO review did not extend to an assessment of the general system controls and supporting procedures in place in agencies to manage their advertising activities, but focused on matters relating specifically to the

¹⁶ Department of Finance and Deregulation guidance to agencies provided a certification *pro forma*.

¹⁷ Assurance processes ordinarily includes obtaining written representations, and in this case to supplement the certification, for areas not covered by the *pro forma*, the Auditor-General asked that the CEO provide a letter addressing additional matters, including that the campaign development, method and medium were based on research, and had not been directed by Ministers or their staff.

proposed campaign. By its nature, the review provided less assurance than an audit.

1.14 The ANAO review was generally conducted in parallel with the campaign development to ensure that agencies' timeframes were not compromised, and that the ANAO obtained the fullest understanding of the agency's campaigns in the time available. This approach is similar to that utilised in contemporary financial statement auditing,¹⁸ and has the benefit of allowing matters relating to compliance being raised with the administering agency if and when they arose, with the goal of resolving concerns as early as possible. Accordingly, by the time the responsible CEO was considering certifying the proposed campaign for compliance with the June 2008 Guidelines, the majority of review work had usually been conducted and the agency was aware of any issues considered by the ANAO to need resolution.

1.15 Campaigns were required to be approved for launch by the Minister when the CEO had certified that the campaign complied with the June 2008 Guidelines and, for those campaigns with an expenditure in excess of \$250 000, the Auditor-General reported to the Minister responsible for the agency undertaking the campaign regarding the proposed campaign's compliance.

1.16 Reviews and audits are complementary, and performing reviews of proposed advertising campaigns does not constrain the conduct of subsequent performance audits. The agreements between the Auditor-General and agency CEOs, which provided the framework for the conduct of reviews of proposed advertising campaigns, noted that undertaking these reviews did not limit the Auditor-General's authority to include matters relating to advertising campaigns within the scope of other audit activity at another time.

The role of the Department of Finance and Deregulation

1.17 The Cabinet Secretary was responsible for campaign policy and the June 2008 Guidelines.¹⁹ The role of Finance in administering the June 2008

¹⁸ Contemporary financial statement auditing practice includes both 'interim' and 'hard-close' audit work, carried out in advance of the preparation and audit of the year-end financial statements. This has the benefit of reducing the level and scope of year-end audit procedures, allowing for timely advice prior to the preparation of final financial statements, and allows for consideration and resolution of issues in advance of the year-end.

¹⁹ The responsibility of the Cabinet Secretary for government advertising campaign policy will continue under the March 2010 arrangements for government advertising.

Guidelines was to support the Cabinet Secretary²⁰ in reviewing and maintaining the guidelines, and encompassed policy advice, whole-of-government coordination and assistance to agencies. This role was primarily managed by the Communications Advice Branch (CAB) within Finance, and included:

- establishing and managing multi-use list(s) or panels of specialist consultants to be used by agencies for campaigns;²¹
- managing whole-of-government contracts for media buying and placement;
- providing advice and assistance to agencies on the selection processes for consultants, including the development of briefs, and advising on suitable shortlists of consultants;
- chairing and providing secretariat services to the Interdepartmental Committee on Communications (IDCC);
- providing advice on appropriate branding and authorisation for campaign materials; and
- providing bi-annual reports to Parliament on government advertising campaign expenditure.

1.18 Under the new arrangements for government advertising for campaign advertising, the CAB will: remain within Finance; continue to support the Cabinet Secretary to review and maintain guidelines; and will provide support to the Independent Communications Committee (ICC).

The Interdepartmental Committee on Communications

1.19 The IDCC, chaired by Finance, was a committee of Deputy Secretaries from a variety of agencies, which provided a whole-of-government perspective on campaigns, including whether campaigns had competing and/or conflicting messages, and were likely to meet the government's broader messaging and

²⁰ The role of the Cabinet Secretary and Special Minister of State is undertaken concurrently. The Guidelines (both June 2008 and March 2010) refer specifically to the Cabinet Secretary, and therefore references in this report are to the Cabinet Secretary.

²¹ The Department of Finance and Deregulation *Business Planning Processes for Campaign Information and Advertising Activities*, February 2009, required agencies to use a contractor from its multi-use list or contract panel for specialist communication consultants established by Finance for campaigns. The communications multi-use list has been in operation since 31 March 2009.

policy settings.²² The IDCC's role included reviewing and recommending changes to the June 2008 Guidelines and associated policies and processes relating to campaign development. In this capacity the IDCC reported through the Chair directly to the Secretary of Finance and the Cabinet Secretary.²³

1.20 The ANAO review was separate to, and independent of, any consideration of the proposed campaign undertaken by the IDCC, although the ANAO attended the IDCC meetings as an observer. This ensured that the IDCC and the ANAO functioned effectively with regular communication.

The role of Agencies and CEOs

1.21 Agency CEOs were responsible for certifying that campaigns developed within their agency complied with the June 2008 Guidelines and related policies, including financial management and procurement policies. Agencies were required to:

- work with Finance on campaign procurement and related matters, including the development of shortlists of specialist communications consultants (such as: market researchers, advertising and public relations firms) and conducting select tender processes for consultants;
- utilise the Finance Communications Multi-use List for their campaign procurement;
- attend meetings and brief the IDCC in relation to their campaigns, if requested;
- provide timely information and assistance to Finance and the IDCC in relation to campaign proposals, campaigns under development, campaign expenditure, and evaluations of completed campaigns;
- provide assistance, including accurate information, documentation and other information relating to proposed campaigns, to allow the

²² The IDCC had Terms of Reference to guide their functions, which covered matters such as role and responsibilities, members, secretariat arrangements, and the use of an expert panel to advise the IDCC as required.

²³ Department of Finance and Deregulation, *Business Planning Processes for Campaign Information and Advertising Activities*, February 2009, p. 3.

Auditor-General to make an assessment of compliance with the June 2008 Guidelines; and

- provide to Finance information required for the bi-annual report to the Parliament on campaign advertising.²⁴

1.22 The March 2010 Guidelines continue to require the CEO to provide a certificate to confirm a campaign's compliance with the new Guidelines. However, some differences are that:

- a cost benefit analysis is no longer required prior to the launch of a campaign; although there is now a formal requirement for evaluating a campaign's effectiveness;
- information campaigns (that is: campaigns with no paid media placement) do not require a certificate of compliance;
- the ICC reports to the CEO on Principles 1 to 4²⁵ prior to the CEO providing a certificate of compliance to the Minister; and
- agencies provide the CEO with a report on a campaign's compliance with Principle 5, and consequently there is no longer an independent review of procurement processes or legal requirements.

External scrutiny of government advertising

1.23 Campaign advertising has been subject to a number of audits and inquiries over the years:

- an ANAO audit of Commonwealth government information and advertising in Audit Report No.30 1994-95;²⁶
- the ANAO further examined aspects of the administration of government advertising in Audit Report No.12 of 1998-99;²⁷

²⁴ Department of Finance and Deregulation, *Business Planning Processes for Campaign Information and Advertising Activities*, February 2009, paragraph 25.

²⁵ For more information on the individual Principles, see Appendix 3 which reproduces the March 2010 Guidelines.

²⁶ ANAO Audit Report No.30 1994–95, *Commonwealth Government Information and Advertising*.

²⁷ ANAO Audit Report No.12 1998–99, *Taxation Reform – Community Education and Information Programme*.

- the Joint Committee of Public Accounts and Audit (JCPAA) examined Audit Report No.12 of 1998-99 and, amongst other things, recommended new guidelines for Commonwealth government advertising;²⁸
- the Senate Finance and Public Administration Committee undertook an inquiry into government advertising and accountability, recommending, amongst other things, that the JCPAA draft guidelines be adopted;²⁹
- an ANAO audit of the administration of contracting in relation to government advertising, Audit Report No.24 of 2008-09,³⁰ made four recommendations aimed at improving the administration of campaign advertising; and
- the ANAO Audit Report No.2 of 2009-10,³¹ providing the ANAO's perspective on the operation of the June 2008 government advertising arrangements over the first 12 months of operation.

Issues identified in relation to government advertising arrangements

1.24 In ANAO Report No. 2 of 2009-10, *Campaign Advertising Review 2008-09*, the ANAO noted a number of issues regarding the operation of the June 2008 Guidelines, both in terms of the need for further clarity on the requirements of the June 2008 Guidelines, and opportunities for agencies to improve their administrative and business. These issues were either raised with the Cabinet Secretary or with Finance, and include:

- the need for greater detail and specificity in the definition of 'campaign advertising' to better enable agencies determine if a communication activity was required to comply with the June 2008 Guidelines;

²⁸ Joint Committee of Public Accounts and Audit, *Guidelines for Government Advertising*, Report No. 377, Parliament House, Canberra, 2000.

²⁹ Senate Finance and Public Administration References Committee, *Government Advertising and Accountability*, Canberra, 2005.

³⁰ ANAO Audit Report No.24 2008-09, *The Administration of Contracting Arrangements in relation to Government Advertising to November 2007*.

³¹ ANAO Audit Report No.2 2009-10, *Campaign Advertising Review 2008-09*.

- the need for greater clarity to determine to whom, and under what circumstances, the June 2008 Guidelines apply, including campaign websites, campaigns conducted by third parties, and Defence Force recruitment activities;
- the processes associated with the development of government advertising campaigns, including the need for appropriate research and the use of social media;
- requirements for materials for special audiences, including people from non English speaking backgrounds and Indigenous communities, to be presented for review at the same time as mainstream or English language materials; and
- the purpose of, and detail expected in, the cost-benefit analysis of proposed campaigns for the June 2008 Guidelines.

The issues listed above may have relevance for the ongoing operation of the new arrangements for government advertising.

JCPAA inquiry

1.25 In March 2009, the JCPAA commenced an inquiry into the role of the Auditor-General in scrutinising government advertising campaigns.³²

1.26 Seven public hearings³³ were held as part of the inquiry from March 2009 to February 2010. Matters canvassed at the hearings included: the application of the June 2008 Guidelines; the role of the Auditor-General in scrutinising this aspect of public administration; the ANAO's review methodology and the cost of conducting reviews; evidence from various experts;³⁴ and the examination of several specific campaigns.

³² The Inquiry internet page is available at:
<<http://www.aph.gov.au/house/committee/jpaa/govtad/index.htm>> [accessed 13 April 2010].

³³ One private hearing was also held in February 2010.

³⁴ Witnesses included: Ms Webster, Lecturer and Course Convenor; Advertising, Marketing and Communications, University of Canberra, Professor McMillan, Commonwealth Ombudsman and Mr McClellan, CEO of Australian Association of National Advertisers. Hansard [internet] Australian Parliament House <<http://www.aph.gov.au/hansard/joint/commtee/j12517.pdf>> and <<http://www.aph.gov.au/hansard/joint/commtee/j12647.pdf>> [accessed 20 April 2010].

1.27 The hearings included attendance by the ANAO, the ANAO's independent auditor, Finance, and the following agencies, where campaigns they administered were included as part of the inquiry:

- the Department of Climate Change, for the Think Climate, Think Change campaign;
- the Australian Taxation Office, for the Small Business and General Business Tax Breaks campaign;
- the Department of Education, Employment and Workplace Relations, for the Childcare Tax Rebate campaign; and
- the Department of Health and Ageing for the National Binge Drinking campaign.

1.28 A number of matters were raised by the JCPAA during the course of the inquiry, including:

- the application of the June 2008 Guidelines, including areas where the ANAO considered, in the light of experience, the Guidelines could be refined or supplemented with additional guidance;
- the interpretation of Guideline 3 of the June 2008 Guidelines: 'material should not be directed at promoting party political interests', and that 'material should be presented in a manner free from partisan promotion of government policy and political argument, and in objective language';³⁵ and
- the need to increase the focus on key areas when communicating with disadvantaged members of society, particularly the communication needs of audiences from non English speaking backgrounds, and the need for agencies to consider the broader messages around a program in the community.

1.29 The JCPAA inquiry is on-going at the time of preparation of this report.

³⁵ At the request of the JCPAA, the Auditor-General also sought legal advice from the Australian Government Solicitor (AGS) on the interpretation of Guideline 3. In particular, advice was sought on the interpretation of 'partisan promotion of government policy and political argument'. A copy of the advice was provided in confidence to the JCPAA for consideration.

The Government's Review of the Government Advertising Arrangements

1.30 The June 2008 Guidelines were announced on 2 July 2008, and closely followed recommendations made by the ANAO in 1998³⁶ and the JCPAA in 2000.³⁷ At the time of their release, the Government announced that the June 2008 Guidelines were to be reviewed by July 2010, in line with good business management practice.

1.31 There have been significant technological and societal changes that have impacted on both the nature of media and the way it is consumed since some of the earlier recommendations by the ANAO and JCPAA. This includes a shift away from the traditional mass media approach which was prevalent in the 1990s, to a greater use of online and social media. As such, it was timely for the June 2008 Guidelines to be reviewed to take into account current and emerging media trends.

1.32 During 2009 the ANAO identified a number of areas where the June 2008 Guidelines could be refined or supplemented by additional guidance. These areas were conveyed to the Cabinet Secretary, the chair of the JCPAA and identified in ANAO Report No.2 2009–10 (as noted in paragraph 1.24).

1.33 In early 2010, the Department of the Prime Minister and Cabinet and Finance commissioned a review of the government advertising arrangements.³⁸ Following assessment of the review's recommendations the Government has implemented changes to the framework, including:

- replacement of the June 2008 Guidelines with a revised set of guidelines, the March 2010 Guidelines;³⁹
- the establishment of the ICC to review proposed advertising campaigns over \$250 000 in place of the Auditor-General;

³⁶ ANAO Audit Report No.12 1998–99, *Taxation Reform – Community Education and Information Programme*.

³⁷ Joint Committee of Public Accounts and Audit, *Guidelines for Government Advertising*, Report No. 377, Parliament House, Canberra, 2000.

³⁸ Dr Allan Hawke, *Independent Review of Government Advertising Arrangements*, February 2010, Canberra, available at: <<http://www.finance.gov.au/advertising/docs/Independent-Review-of-Government-Advertising-Arrangements.pdf>> [accessed 14 April 2010].

³⁹ The Department of Finance and Deregulation issued a revised set of *Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies* on 31 March 2010. The June 2008 and March 2010 Guidelines are reproduced as appendices to this report.

- a proposal that Government request the Auditor-General to consider annual performance audits in this area; and
- the abolition of the role of the IDCC in reviewing campaigns from a whole-of-government perspective.

1.34 Under the new arrangements, a review of an advertising campaign's compliance with the first four of the five Principles of the March 2010 Guidelines⁴⁰ will be provided by the ICC to the CEO, with a report on the fifth Principle to be provided internally by the agency. The ICC will also be responsible for offering advice to CEOs as required.

1.35 The Auditor-General identified a number of inaccuracies in the review in relation to the role of the Auditor-General and the arrangements under which the ANAO conducted reviews of proposed advertising campaigns. In order to clarify these matters, the Auditor-General wrote to the Cabinet Secretary on 29 March 2010, outlining his concerns. A copy of the letter was also sent to the Prime Minister for his information, and is included at Appendix 1.

1.36 The March 2010 Guidelines now require proposed advertising campaigns (as distinct from information) with expenditure of \$250 000 or more to be considered by the ICC for compliance with Principles 1 to 4 of the March 2010 Guidelines.⁴¹ The report on those considerations is to be provided to the agency CEO. The CEO will then certify that the campaign complies with the March 2010 Guidelines in full. This certification will be provided to the Minister who may decide to launch the campaign. The ICC's report and the CEO's certification will be made publically available via websites following the launch of the campaign.⁴²

1.37 While it is apparent that the March 2010 Guidelines provide a greater level of specificity in some areas, other areas are less specific than before:⁴³

⁴⁰ The March 2010 Guidelines are reproduced at Appendix 3.

⁴¹ Principle 5 (that campaigns must comply with legal requirements and procurement policies and procedures) is not reviewed by the ICC.

⁴² It was proposed by the Auditor-General that more information be placed on agency websites, including the CEOs certification. JCPAA submission No.2, [Internet] Australian Parliament House <<http://www.aph.gov.au/house/committee/jpaa/govtad/sub2.pdf>> [accessed 19 April 2010].

⁴³ For example, what constitutes an advertising campaign is more clearly defined in the March 2010 Guidelines.

- Principle 1 allows a broader scope in determining the suitable uses of government advertising campaigns, by introducing the option of advertising campaigns for ‘informing the consideration of issues’;
- Principle 2 was previously supported by a requirement to present material in an explanatory, fair, objective and accessible manner. This is now expressed as a recommendation (‘should’ rather than the previous ‘must’) that material be presented in a fair, objective and accessible manner;
- Principle 3 now provides less guidance in interpreting whether campaign materials promote political interests;
- Principle 4 no longer requires an explicit cost benefit analysis to clearly identify how the campaign is justified, although there is now a formal requirement for evaluating a campaign’s effectiveness; and
- Principle 5 is no longer assessed independently to the agency, although the agency is now required to report to the CEO on procurement and legal compliance.

1.38 As previously indicated to the Government, these changes represent a general softening in the application of requirements on agencies. Nevertheless, these are matters that rest with the Government for decision.

1.39 On 31 March 2010, when the March 2010 Guidelines were announced, the ANAO ceased its role in the review of government advertising campaigns, and provided details of upcoming campaigns to the new review body. To assist with the transition to the Government’s new arrangements for government advertising, the ANAO has provided the ICC with the benefit of its experience and information regarding procedures employed, in order to assist the committee in undertaking future reviews of government advertising.

1.40 Given the continuing interest in this area of public administration, periodic performance audits on the practical application of the March 2010 Guidelines will be scheduled in the ANAO’s forward audit work program.

2. ANAO Government Advertising Review activities 2009–10

Review reports issued

2.1 The ANAO had established a small team to undertake reviews of proposed advertising campaigns. From 1 July 2009 to 31 March 2010, 31 review reports, in relation to 15 discrete campaigns, were issued to responsible Ministers, and from 1 July 2009 until May 2010 the cost to the ANAO of conducting the reviews and associated activities was \$696 000.⁴⁴

2.2 The following tables set out the 31 reviews undertaken. The tables detail the date the administering agency first advised the ANAO of the campaign, the date of the Auditor-General's review report and the campaign launch date. The budget indicated in the tables was the amount advised to the ANAO as part of the review process, and may include media placement costs, creative agency, research, specialist communications providers, and other contract costs.⁴⁵

2.3 The following abbreviations are used in the tables below:

- NESB – Non English Speaking Background.
- ATSI – Aboriginal and Torres Strait Islander.

⁴⁴ Figure calculated on the same basis as the Finance costing model.

⁴⁵ The budgets are as planned for a campaign. The ANAO did not collect data on the actual expenditure by agencies on advertising campaigns, individually or overall. Finance is responsible for reporting on the actual costs for each campaign, including those associated with consultants, in its *Campaign Advertising by Australian Government Departments and Agencies - Full Year Report*.

Attorney-General's Department

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
National Missing Persons Week 2009	27/02/2009	4/08/2009 (NESB/ Additional materials)	6/08/2009	\$0.3 ⁴⁶
National Security Campaign (May – July 2010)	15/02/2010	30/03/2010	20/05/2010	\$1.0

Australian Taxation Office

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
Small Business and General Business Tax Break (July – December 2009)	10/03/2009	17/07/2009 (Main campaign) 22/07/2009 (NESB materials)	26/07/2009	\$4.4
Superannuation Contributions Cap ⁴⁷	11/11/2009	18/01/2010	7/03/2010	\$1.0

Department of Broadband, Communication and the Digital Economy

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
Digital Switchover (National campaign)	22/06/2009	17/11/2009 (Multi-regional campaign)	29/11/2009	\$18.7 ⁴⁸

⁴⁶ The budget was the overall budget advised for the entire campaign, including the main campaign elements for which a review report was issued on 28 June 2009. While the budget for the campaign was modest, Attorney-General's Department anticipated the provision of free community service announcement placements to the value of \$3 million as free media coverage.

⁴⁷ ANAO was advised that the campaign, which was due to launch on 7 March 2010, would not be proceeding until further notice. Consequently, the ANAO did not publish the review report on its website.

⁴⁸ Total budget allocation for campaign communications in 2009–10 was \$23.1 million, which included funding for national and local tailored advertisements.

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
Digital Switchover (local components)	22/06/2009	8/12/2009 (Multi-regional NESB and ATSI components, and local tailored campaign) 22/12/2009 (Local tailored NESB component) 25/02/2010 (Regional S.A. and Broken Hill component)	13/12/2009	As above

Department of Education, Employment and Workplace Relations

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
New Employment Services Campaign 2009 - Job Services Australia Campaign ⁴⁹	23/02/2009	6/07/2009 (Digital materials) 13/07/2009 (Employer magazine) 31/07/2009 (NESB) 3/09/2010 (ATSI press and radio)	21/06/2009	\$7.6 ⁵⁰

⁴⁹ Three reports were issued relating to elements of this campaign in 2008-09, on the following dates:

23/06/2009 (Direct Mail out materials only)

24/06/2009 (Jobseeker Print and Radio)

25/06/2009 (Employer Print and Radio)

⁵⁰ The advised budget was for the campaign overall, including the elements that were reported on for the previous financial year.

Department of Defence

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
Defence Force Recruitment (July – December 2009)	10/06/2009	6/07/2009 (Main campaign) 7/08/2009 (Health priority jobs) 8/10/2009 (Air force priority jobs)	12/07/2009	\$46.9 ⁵¹
Defence Reserves Support - Benefits of Reserve Service Campaign (August 2009 – June 2010)	21/05/2009	07/08/2009	23/08/2009	\$0.5
Defence Force Recruitment (January – July 2010)	14/10/2009	17/12/2009 (Main campaign) 7/01/2010 (Multicultural recruitment) 13/01/2010 (Navy television) 17/02/2010 (Navy brand print and digital)	1/01/2010	(as for July to December 2009)

Department of Foreign Affairs and Trade

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
Smarttraveller Public Information Campaign (October - December 2009)	24/07/2009	11/09/2009	4/10/2009	\$0.9

⁵¹ Advised budget for the full 2009–10 financial year.

Department of Families, Housing, Community Services and Indigenous Affairs

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
Secure and Sustainable Pensions Campaign (September 2009)	29/06/2009	3/09/2009 (Main campaign) 8/09/2009 (Additional materials)	5/09/2009	\$2.98m

Department of Health and Ageing

Campaign Name	Initial Contact with Agency	Report Signed	Advised Launch	Advised Budget (m)
Australian Better Health Initiative - Measure up Campaign 2009-10	12/06/2009	31/08/2009	13/09/2009	\$14.2
National Binge Drinking Campaign (November 2009 - June 2010)	24/08/2009	27/10/2009	1/11/2009	\$7.95
Skin Cancer Awareness - Summer 2009- 2010	24/08/2009	28/10/2009	15/11/2009	\$2.5
National Drugs (February – July 2010) Campaign	24/08/2010	17/02/2010 26/03/2010 (Additional materials)	28/02/2010	\$7.32
National Tobacco Strategy 2010	24/11/2009	15/02/2010	28/02/2010	\$5.6
National Sexually Transmissible Infections (STIs) Prevention Program: Sexual Health Campaign (May 2009 – June 2010)	24/11/2009	30/03/2010 (Additional material)	15/04/2010	\$5.3 ⁵²

Exempt, modified and incomplete campaigns

Campaign exemptions

2.4 The June 2008 Guidelines provided for the Cabinet Secretary to exempt campaigns from having to comply with the Guidelines on the basis of national emergency, extreme urgency or other extraordinary reasons the Cabinet

⁵² This was the overall budget for the main campaign as reported on 15 May 2009.

Secretary considered appropriate. When a campaign was exempted the Auditor-General was advised and the reasons were also formally reported to the Parliament.⁵³ No campaigns were exempted in the period July 2009 to March 2010, although the exemption for the H1N1 Influenza (Human Swine Flu) campaign from the previous financial year continued to apply.⁵⁴

2.5 Additionally, on 17 August 2009, the Cabinet Secretary advised the Australian Electoral Commission (AEC) that he was prepared to grant an exemption to the AEC from the requirement for its campaign advertising regarding federal elections, by-elections or referenda to be reviewed by the IDCC and the ANAO.

Modifications to proposed campaigns

2.6 To allow issues to be addressed at the earliest opportunity and to reduce the risk of agencies modifying campaigns late in the development process, the ANAO endeavoured to provide agencies with early advice of any concerns about a proposed campaign's compliance with the June 2008 Guidelines. On some occasions, where agencies were not able to provide sufficient appropriate evidence to address the issues raised by the ANAO, agencies decided to modify the proposed campaign in order to clearly comply with the requirements of the June 2008 Guidelines.

Campaigns not completed

2.7 On a few occasions, agencies decided not to proceed with a proposed advertising campaign or subsequent phase, due to: changed circumstances in the market place; changes to responsibilities for delivery arrangements; and/or where agencies reconsidered the need for a campaign, at times informed by the ANAO's enquiries.

Compliance with the June 2008 Guidelines

2.8 As a matter of practice, the ANAO raised matters relating to compliance with the June 2008 Guidelines with administering agencies as they

⁵³ Department of Finance and Deregulation *Guidelines on Campaign Advertising by Australian Government Departments and Agencies*, paragraph 7.

⁵⁴ On 30 April 2009, the Cabinet Secretary granted an exemption from the June 2008 Guidelines for the Department of Health and Ageing's Human Swine Flu advertising. That exemption remains in place for as long as the Department classifies Human Swine Flu as a pandemic event.

arose during the course of the review process, and where appropriate, issued management letters regarding these matters. These management letters are in regard to issues that arose as a result of, or during the course of, a review but which did not directly impact the final review conclusion. They were framed in terms of opportunities to improve future processes and to improve the review experience for agencies and for the ANAO.

2.9 While overall there was a general improvement in the way agencies presented campaign material for the ANAO review against the June 2008 Guidelines, a number of the issues previously identified had not been completely resolved across all agencies and, as a result, the ANAO issued six management letters in the period of 1 July 2009 to 31 March 2010. The more significant issues covered in management letters are canvassed below.

Cost benefit analyses

2.10 An area of ongoing concern to the ANAO was the cost benefit analysis, prepared by an agency to justify a proposed advertising campaign. The issue, amongst others (refer to paragraph 1.24), had been raised with the Cabinet Secretary in January 2009, and identified as a major issue in the ANAO Report No.2 2009-10.⁵⁵ In the 2009-10 financial year, some cost benefit analyses continued to require significant agency refinement during the course of reviews.

Procurement

2.11 Procurement was also area of ongoing concern to the ANAO, particularly in cases where consultants had commenced work and payments had been made without a written contract being in place. While some agencies, over time, had adopted better practice contracting processes that reduce the risks associated with informal, undocumented arrangements, the ANAO had observed some instances where better practice processes had not been followed and raised these concerns with agencies.

Presentation of all components of a campaign for review

2.12 As indicated in paragraph 2.1, there were more review reports than individual campaigns because agencies frequently presented component parts

⁵⁵ ANAO Audit Report No.2 2009–10, *Campaign Advertising Review 2008–09*, paragraph 3.12.

of a campaign at different times – for example, the main creative material (television, radio or print); then materials in languages other than English; then materials for Indigenous audiences; and then digital materials. Under the June 2008 Guidelines, if component parts of a campaign were presented separately, each then required a separate review report, resulting in increased workloads for agencies and the ANAO, often intensifying the time pressures relating to the need to complete reviews prior to launch. This was a matter the JCPAA has focussed on during its current inquiry as is discussed in paragraph 1.28.



Ian McPhee

Auditor-General

Canberra ACT

21 May 2010

Appendices

Appendix 1: Auditor-General's letter of 29 March 2010

On 29 March 2010 the Auditor-General wrote to the Cabinet Secretary outlining his concerns with a number of inaccuracies in the Government's review of advertising arrangements.⁵⁶

⁵⁶ A copy of Dr Allan Hawke's *Independent Review of Government Advertising Arrangements*, February 2010, Canberra, is available at: <<http://www.finance.gov.au/advertising/docs/Independent-Review-of-Government-Advertising-Arrangements.pdf>> [accessed 14 April 2010].



Auditor-General for Australia

29 March 2010



Senator the Hon Joe Ludwig
Special Minister of State
Parliament House
CANBERRA ACT 2600



Dear Minister

Further to our conversation last Friday, 26 March 2010, I have now been provided with a copy of Dr Hawke's *Independent Review of Government Advertising Arrangements* dated 26 February 2010 and the proposed revision of the Government's advertising guidelines.

As mentioned to you, I am concerned that neither I nor my office was consulted in respect of the completed review report, nor provided with the opportunity to inform the Government's consideration of issues related to the administration of government advertising. Dr Hawke did speak to me during the course of his review, but there has been no further consultation with me, or my office, in respect of his report. This is in marked contrast to the arrangements for the implementation of the Government's policy platform following the 2007 election when our views were sought on the proposed approach, and the draft guidelines to apply. At that time, the Government was keen for my office to be directly involved in the review of advertising campaigns, consistent with various statements made by Mr Rudd and Shadow Ministers in the lead up to the election.

The review report makes the claim "*In essence, the role that the Auditor-General has been given has undermined the proper accountabilities of Secretaries for managing their departments and the Auditor-General's proper place [in] the scheme of things.*"¹ This statement seriously misunderstands the role of Secretaries and the Auditor-General under the current arrangements. Secretaries have sole responsibility for certifying compliance with the Government's advertising guidelines; the role of my office is to report to the responsible Minister on whether anything has come to attention from our review of the certificate, and information supporting the certificate, to suggest that the relevant campaign does not comply in all material respects with the requirements of the advertising guidelines. The final decision on whether a campaign proceeds appropriately rests with the responsible Minister.

There is also a number of inaccuracies in the report concerning the role performed by my office, including the suggestion that "*The Auditor-General is placed in an invidious position whereby he can countermand Cabinet's decision.*"² This statement again shows a serious misunderstanding of the arrangements. Further, the references to my views conveyed to the Prime Minister on 26 November 2007 that there is a real risk that "*whoever administers the*

¹ *Independent Review of Government Advertising Arrangements*, Executive Summary, page 3

² *Independent Review of Government Advertising Arrangements*, page 16

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*Guidelines could be drawn into policy and potential debate as an active participant in, and possible defender of, the process of executive government*³ failed to mention the next sentence in my correspondence which said, "To preserve both the real and perceived independence of this office, I and my predecessors have actively sought to avoid placing the ANAO in a situation of being both decision maker and auditor." The current approach, implemented by the Government, appropriately separates both roles. And the review role undertaken by my office follows relevant professional standards and draws on a panel of specialist industry advice when required to inform our review conclusions.

As I have commented in my report to the Parliament (ANAO Report No 2 of 2009-10):

"The involvement of the ANAO has often resulted in better targeted and supported campaigns. Through the assurance review, the ANAO has clearly signalled the standard of supporting evidence required from agencies to demonstrate adherence to the Guidelines, and has provided timely assurance to Ministers, Parliament and the public regarding agencies' performance in relation to the Guidelines. The ANAO's involvement requires agencies to provide evidence to demonstrate performance against the individual Guidelines, bringing a greater level of clarity as to the responsibilities of the agency in the development and implementation of campaigns than was previously the case."

I consider my office has brought rigour and discipline to this aspect of public administration that, in the past, had been problematic to say the least. Both agencies and the ANAO have refined their approaches in the past two years so there is now a much better understanding of the support required for both the certificate provided by Secretaries, and our review conclusion. Accordingly, most agencies have adopted structured and streamlined approaches to support the case for government advertising campaigns. When required, my office has completed reviews in 1-5 days to meet agency timetables.

As you know, considerable public funds have been allocated to and expended on government advertising campaigns. I fully accept there is a legitimate role for government to provide information to the public about government policies, programs and services. It is also important to have confidence in the processes employed by departments in justifying the nature and cost of campaigns. I have previously written to you in respect of areas of the advertising guidelines that could be improved, including in providing greater clarity on the requirements of the cost-benefit analysis to take account of the above factors. This is particularly to recognise that, in many cases, the scrutiny applied to a proposed campaign budget by Cabinet, or through the budget processes, is necessarily undertaken prior to research being undertaken to inform the messaging and medium needs of the identified target audience. This research can have a significant impact on establishing the final required campaign budget and decisions relating to the expenditure of public funds.

While we have not had the opportunity to study the proposed revision of the guidelines in detail, it is apparent that while they provide a greater level of specificity in some areas (particularly the definition of advertising campaigns subject to the guidelines), other areas are less specific. This is particularly so in the case of Principle 1, which appears to allow a broader scope in determining the suitable uses of government advertising campaigns, Principle 3, which provides less guidance in interpreting whether campaign materials promote party political interests, and Principle 4 which no longer requires an explicit cost-benefit

³ *Independent Review of Government Advertising Arrangements*, page 15

analysis. While I understand the intention of the review was to bring greater clarity to the guidelines, there has been a general softening in the application of requirements on agencies as a consequence. The final form and content of the guidelines, however, are properly matters for your decision. I should add for completeness that, in (different) circumstances where the Government wished my review role to continue, I would have regard to the strength of the revised advertising guidelines in determining any continuing role for my office.

The reviews of government advertising campaigns performed by my office are undertaken by agreement with the Government (and Secretaries) rather than as a result of a specific legislative mandate. Accordingly, I respect the decision of the Government to reassess the agreement that has been in place to provide for reviews to be undertaken by my office. I am concerned, however, that Ministers have not been well informed about the benefits of the current arrangements, particularly the contribution of my office. More importantly, however, I am concerned that we will not see the same level of rigour and discipline applied to this sensitive area of government administration going forward under the revised arrangements. While undertaking the review role has not been without risk for my office, I have undertaken it because I believed we could manage the risks and contribute positively to better outcomes here for both public administration, government and the wider community. And, in my view, we have delivered on this.

I am available to discuss this matter further with you, if you wish.

I have copied this letter to the Prime Minister, for his information.

Yours sincerely



Ian McPhee
Auditor-General

Appendix 2: Guidelines on Campaign Advertising June 2008

Introduction

1. These Guidelines set out the principles applying to Australian Government departments and agencies undertaking information and advertising campaigns.
2. Government information and advertising campaigns with expenditure in excess of \$250,000 must be reviewed by the Auditor-General, who will report on the proposed campaign's compliance with these Guidelines. A Minister responsible for a campaign with expenditure of \$250,000 or less may ask the Auditor-General to review that campaign's compliance with these guidelines where the campaign is of a sensitive nature or the Minister considers that such review is appropriate.

Underlying Principles

3. The underlying principles governing the use of public funds for government information and advertising campaigns ('campaigns') are that:
 - (a) all members of the public have equal rights to access comprehensive information about government policies, programs and services which affect their entitlements, rights and obligations;
 - (b) governments may legitimately use public funds for information programs or education campaigns to explain government policies, programs or services and to inform members of the public of their obligations, rights and entitlements; and
 - (c) government campaigns shall not be conducted for party political purposes.
4. Agencies subject to the *Financial Management and Accountability Act 1997* ('agencies') must comply with the Guidelines.
5. Agencies must also comply with all policies and processes in relation to government campaigns which are issued and amended from time to time by the Cabinet Secretary or the agency responsible for such policies, currently the Department of Finance and Deregulation ('Finance').
6. Government campaigns can be approved for launching by a Minister only when:
 - (a) the Chief Executive of the agency undertaking the campaign certifies that

the campaign complies with the Guidelines and relevant government policies; and

- (b) for those campaigns with expenditure in excess of \$250,000, the Auditor-General provides a report to the Minister responsible for the agency undertaking the campaign on the proposed campaign's compliance with the Guidelines.

7. The Cabinet Secretary can exempt a campaign from compliance with these Guidelines on the basis of a national emergency, extreme urgency or other extraordinary reasons the Cabinet Secretary considers appropriate. Where an exemption is approved, the Auditor-General will be informed of the exemption and the reasons for the decision will be formally recorded and reported to the Parliament.

8. The Government will make publicly available the expenditure for all campaigns commissioned by any agency.

Definition of Campaign Advertising

9. For the purposes of these Guidelines, government campaigns do not include advertisements for specific jobs, tender advertising, or other similar routine advertising carried out by government agencies in relation to their operational activities.

10. Campaign costs include those activities involved in the development, production and dissemination of information to the public about Government programs, policies and matters which affect their benefits, rights and obligations. Examples of these activities include:

- (a) the use of market research agencies, public relations consultants, advertising agencies and/or other specialist consultants in the development of such material; and
- (b) the production of press, radio, on-line, other electronic media, cinema and television advertisements, audio-visual material and printed material (pamphlets explanatory booklets, etc).

Guidelines for Campaign Advertising

11. Consideration should be given to information requirements during policy development and program planning. Campaigns should be instigated only where a need is demonstrated, target recipients are clearly identified and

the campaign is based on appropriate research.

Guideline 1: Material should be relevant to government responsibilities

12. The subject matter of material to be communicated to the public should be directly related to the Government's responsibilities. As such, only policies or programs underpinned by legislative authority, appropriation of the Parliament, or a Cabinet Decision which is intended to be implemented during the current Parliament, should be the subject of an advertising campaign.
13. Examples of suitable uses for government campaign advertising include to:
 - (a) inform the public of new, existing or proposed government policies, or policy revisions;
 - (b) provide information on government programs or services or revisions to programs or services to which the public are entitled;
 - (c) disseminate scientific, medical or health and safety information; or
 - (d) provide information on the performance of government to facilitate accountability to the public.

Guideline 2: Material should be presented in an objective, fair and accessible manner

14. The material communicated must be presented in an explanatory, fair, objective and accessible manner. Specifically, information in campaigns should be directed at the provision of objective, factual and explanatory information and enable the recipients of the information to reasonably and easily distinguish between facts, on the one hand, and comment, opinion and analysis on the other.
15. Where information is presented as a fact, it should be based on accurate, verifiable facts, and expressed in conformity with those facts. No factual claim should be made which cannot be substantiated. When making a factual comparison, the material should not attempt to mislead the recipient about the situation with which the comparison is made and it should state explicitly the basis for the comparison.
16. Pre-existing policies, products, services and activities should not be presented as new.
17. Special attention should be paid to communicating with any disadvantaged individuals or groups which are identified as being within the designated target audience. Particular attention should be given to the communication needs of young people, the rural community and those for whom English is not a convenient language in which to receive information.
18. There should be recognition of the full participation of women, ethnic and

Aboriginal and Torres Strait Island communities in Australian society by realistically portraying their interests, lifestyles and contributions to Australian society. Care should be taken that this is not done in a stereotypic way.

Guideline 3: Material should not be directed at promoting party political interests

19. Material should be presented in a manner free from partisan promotion of government policy and political argument, and in objective language. The dissemination of information using public funds should not be directed at fostering a positive impression of a particular political party or promoting party political interests. Dissemination of information may be perceived as being party-political because of any one of a number of factors, including:
- (a) the content of the material - what is communicated;
 - (b) the source of the campaign - who communicates it;
 - (c) the reason for the campaign - why it is communicated;
 - (d) the purpose of the campaign - what it is meant to do;
 - (e) the choice of media - how, when and where it is communicated;
 - (f) the timing, geographic and demographic targeting of the campaign;
 - (g) the environment in which it is communicated; or
 - (h) the effect it is designed to have.
20. The information and material presented in a campaign should not:
- (a) mention the party in government by name;
 - (b) directly attack or scorn the views, policies or actions of others such as the policies and opinions of opposition parties or groups;
 - (c) include party-political slogans or images;
 - (d) be designed to influence public support for a political party, a candidate for election, a Minister or a Member of Parliament; or
 - (e) refer or link to the websites of politicians or political parties.

Guideline 4: Material should be produced and distributed in an efficient, effective and relevant manner, with due regard to accountability

21. Campaigns should be justified by a cost/benefit analysis which would be best done after preparation of the communications strategy and consultant briefs. The nature of the campaign, including the method, medium and volume of the publicity activities, should be justified in terms of society's needs, efficiency and effectiveness, and there should be a clear audit trail regarding decision

making.

22. Existing procurement policies and procedures for the tendering and commissioning of services and the employment of consultants should be followed.

Guideline 5: Advertising must comply with legal requirements

23. Campaigns and related material, the manner of presentation and the delivery of the campaign must comply with all relevant laws including:

- laws with respect to broadcasting and media;
- privacy laws;
- intellectual property laws;
- electoral laws;
- trade practices and consumer protection laws; and
- workplace relations laws.

24. Distribution of unsolicited material should be carefully controlled. The information conveyed should clearly and directly affect the interests of recipients.

Appendix 3: Guidelines on Information and Advertising Campaigns March 2010

Introduction

1. This document in its entirety forms the Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies (Guidelines).
2. These Guidelines set out the principles applying to information and advertising campaigns undertaken in Australia.
3. Agencies subject to the Financial Management and Accountability Act 1997 (FMA Act) must comply with these Guidelines.
4. Agencies conducting information and advertising campaigns must comply with all relevant policies and processes issued and amended from time to time by the Cabinet Secretary or the Minister for Finance and Deregulation or the agency responsible for such policies, currently the Department of Finance and Deregulation (Finance).
5. The Cabinet Secretary can exempt a campaign from compliance with these Guidelines on the basis of a national emergency, extreme urgency or other compelling reason. Where an exemption is approved, the Independent Communications Committee will be informed of the exemption, and the decision will be formally recorded and reported to the Parliament.
6. The Independent Communications Committee considers campaigns and provides advice to Chief Executives on all advertising campaigns valued at more than \$250,000 or where requested to do so by the Chief Executive.

Underlying Principles

7. In general terms, a campaign is a planned series of communication activities that share common objectives, target the same audience and have specific timelines and a dedicated budget. An advertising campaign includes paid media placement and an information campaign does not.
8. The underlying principles governing the use of public funds for all government information and advertising campaigns are that:
 - (a) members of the public have equal rights to access comprehensive information about government policies, programs and services which affect their entitlements, rights and obligations;
 - (b) governments may legitimately use public funds to explain government

policies, programs or services, to inform members of the public of their obligations, rights and entitlements, to encourage informed consideration of issues or to change behaviour; and

- (c) government campaigns must not be conducted for party political purposes.

Definition of Advertising Campaigns

9. For the purposes of these Guidelines, an advertising campaign involves paid media placement and is designed to inform, educate, motivate or change behaviour. Large-scale recruitment advertising not related to specific job vacancies and with a degree of creative content may be considered an advertising campaign. Agencies should seek advice from Finance if they are unsure whether an activity is an advertising campaign.
10. Simple, informative advertising that generally appears only once or twice, contains factual statements and typically has a low creative content is not an advertising campaign. This category of advertising is non-campaign advertising and includes, but is not limited to:
 - recruitment for specific job vacancies;
 - auction and tender notices;
 - invitations to make submissions or apply for grants;
 - notification of date and/or location specific information (for example, notification of a public meeting at a particular time and place); and
 - other public notices.

Campaign Review and Certification

11. The requirements for review and certification of campaigns are determined by the value of the campaign and whether advertising will be undertaken. The value of a campaign is the budget for all campaign elements across all financial years and includes:
 - market or social research consultants, public relations consultants, advertising agencies and/or other specialist consultants commissioned in the development of advertising material;
 - production and placement of advertising in print, radio, digital, cinema, television or out-of-home media; and
 - production and dissemination of other campaign materials.
12. The value of a campaign does not include departmental staff and

associated costs.

13. For campaigns below \$250,000, the Chief Executive has the discretion to seek consideration of campaigns by the Independent Communications Committee.
14. For advertising campaigns of \$250,000 or more:
 - The Independent Communications Committee will consider the proposed campaign and provide a report to the Chief Executive on compliance with Principles 1, 2, 3 and 4 of the Guidelines. Agencies will be responsible for providing a report to their Chief Executive on campaign compliance with Principle 5 of the Guidelines.
 - Following consideration of the reports on campaign compliance, the Chief Executive will certify that the campaign complies with the Guidelines and relevant government policies.
 - The Chief Executive will give the certification to the relevant Minister who may launch the campaign or approve its launch.
 - The Chief Executive's certification will be published on the relevant department's web site when the campaign is launched.
 - The conclusions of the Independent Communications Committee will be published on Finance's web site after the campaign is launched.
15. Information campaigns of \$250,000 or more are not subject to review by the Independent Communications Committee or certification by the Chief Executive but must comply with these Guidelines and other relevant policies and processes as outlined in clause 4.
16. The Government will provide reports to the Parliament that detail expenditure on all advertising campaigns with expenditure in excess of \$250,000 commissioned by FMA Act agencies.
17. Chief Executives will ensure that:
 - research reports for advertising campaigns with expenditure of \$250,000 or more are published on their agency's web site following the launch of a campaign where it is appropriate to do so; and
 - details of advertising campaigns undertaken will be published in agency annual reports.

Information and Advertising Campaign Principles

18. The following five principles set out the context in which Australian Government campaigns should be conducted. They relate to when

campaigns can be conducted, how campaign materials should be presented, and the legal and procurement responsibilities that need to be considered.

Principle 1: Campaign should be relevant to government responsibilities

19. The subject matter of campaigns should be directly related to the Government's responsibilities. As such, only policies or programs underpinned by:

- legislative authority; or
- appropriation of the Parliament; or
- a Cabinet Decision which is intended to be implemented during the current Parliament should be the subject of a campaign.
- Examples of suitable uses for government campaigns include to:
- inform the public of new, existing or proposed government policies, or policy revisions;
- provide information on government programs or services or revisions to programs or services to which the public are entitled;
- inform consideration of issues;
- disseminate scientific, medical or health and safety information; or
- provide information on the performance of government to facilitate accountability to the public.

Principle 2: Campaign materials should be presented in an objective, fair and accessible manner and be designed to meet the objectives of the campaign

- 20.** Campaign materials should enable the recipients of the information to distinguish between facts, comment, opinion and analysis.
- 21.** Where information is presented as a fact, it should be accurate and verifiable. When making a factual comparison, the material should not attempt to mislead the recipient about the situation with which the comparison is made and it should state explicitly the basis for the comparison.
- 22.** Pre-existing policies, products, services and activities should not be presented as new.
- 23.** Special attention should be paid to communicating with any disadvantaged individuals or groups identified as being within the target audience. Particular attention should be paid to the communication needs

of young people, the rural community and those for whom English is not a convenient language in which to receive information.

24. Imagery used in campaign materials should reflect the diverse range of Australians. There should be recognition of the full participation of women, Indigenous and culturally and linguistically diverse communities by realistically portraying their interests, lifestyles and contributions to Australian society.
25. Campaign materials should be tested with target audiences to indicate they are engaging and perform well against the objectives of the campaign.

Principle 3: Campaign materials should be objective and not directed and promoting party political interests

26. Campaign materials must be presented in objective language and be free of political argument.
27. Campaign materials must not try to foster a positive impression of a particular political party or promote party political interests.
28. Campaign materials must not:
 - (a) mention the party in Government by name;
 - (b) directly attack or scorn the views, policies or actions of others such as the policies and opinions of opposition parties or groups;
 - (c) include party political slogans or images;
 - (d) be designed to influence public support for a political party, a candidate for election, a Minister or a Member of Parliament; or
 - (e) refer or link to the web sites of politicians or political parties.

Principle 4: Campaigns should be justified and undertaken in an efficient, effective and relevant manner

29. Campaigns should only be instigated where a need is demonstrated, target recipients are clearly identified and the campaign is informed by appropriate research or evidence.
30. Campaign information should clearly and directly affect the interests of recipients.
31. The medium and volume of the advertising activities should be cost effective and justifiable within the budget allocated to the campaign.

32. Distribution of unsolicited material should be carefully controlled.

33. Campaigns should be evaluated to determine effectiveness.

Principle 5: Campaigns must comply with legal requirements and procurement policies and procedures

34. The manner of presentation and the delivery of campaigns must comply with all relevant laws including:

- (a) laws with respect to broadcasting and media;
- (b) privacy laws;
- (c) intellectual property laws;
- (d) electoral laws;
- (e) trade practices and consumer protection laws; and
- (f) workplace relations laws.

35. Procurement policies and procedures for the tendering and commissioning of services and the employment of consultants should be followed and there should be a clear audit trail regarding decision making.

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