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THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ELEVENTH ASSEMBLY

Government Agencies (Campaign Advertising) Amendment Bill 2025

GOVERNMENT AMENDMENTS
SUPPLEMENTARY EXPLANATORY STATEMENT

Presented by
Andrew Barr MLA
Chief Minister
October 2026

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Government Agencies (Campaign Advertising) Amendment Bill 2025

This Supplementary Explanatory Statement relates to the Government Agencies (Campaign Advertising) Amendment Bill 2025 (the Bill) as presented to the ACT Legislative Assembly on 4 December 2025 by Mr Andrew Braddock MLA. It has been prepared to assist the reader of the Government amendments and to help inform debate. It does not form part of the bill and has not been endorsed by the Legislative Assembly.

The Government Agencies (Campaign Advertising) Amendment Bill 2025 **is not** a Significant Bill and therefore these Government Amendments are not significant. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF GOVERNMENT AMENDMENTS

The Government's proposed amendment to the Bill presented to the Legislative Assembly by Mr Braddock on 4 December 2025 seek to support the effective and efficient operationalisation of the Bill. The proposed amendment addresses the additional restrictions for government advertising during federal election periods.

The proposed amendment seeks to ensure that the Act does not impose an unnecessary administrative burden as the ACT already has a comprehensive statutory framework that governs and ensures publicly funded advertising campaigns are conducted in the public interest. The appointment of an independent Campaign Advertising Reviewer through the Act is already a strong safeguard.

The proposed amendment also clarifies the specific advertising prohibitions during a Commonwealth pre-election period to ensure the effective implementation of the Bill.

The Government is providing a draft of updates to the Government Agencies (Campaign Advertising) Guidelines that support the Act for consideration by the Legislative Assembly. The guidelines have been updated to reflect the proposed amendments to the Act as presented by Mr Braddock MLA, the government's proposed amendment and to support contemporary communications practice.

In addition, the Government is opposing the new section 17 (3) (aa) as this amendment is best addressed through updates and clarification in the Guidelines. As part of the updates to the Guidelines, a new point (18) has been added to address this proposed amendment.

CONSULTATION ON THE PROPOSED APPROACH

n developing the proposed amendment, a review was undertaken of state and territory advertising guidelines, as well as federal government requirements regarding advertising during the caretaker period. This review identified that the legislation in the ACT is a robust framework for ensuring government advertising is consistent with community expectations.

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CLIMATE IMPACT

The requirement to not continue campaign activity once a Commonwealth election is called has a potential climate impact if the pulping of communication materials, such as the Our Canberra newsletter, which is an all household mailout, was required.

CONSISTENCY WITH HUMAN RIGHTS

During the development of the Bill and the amendments, due regard was given to compatibility with human rights as set out in the *Human Rights Act 2004* (HR Act).

The explanatory statement that accompanied the presentation of the Bill notes that the Bill engages the following rights under the HR Act:

- Taking part in public life (section 17) (promoted and limited)

The Bill limits advertising for party political purposes and introduces limits on advertising before a Commonwealth election.

Taking part in public life (promoted) by increased scrutiny of campaigns through additional reporting by the Independent Reviewer and increasing clarity about advertising during Commonwealth pre-election periods.

The Government amendments to the Bill will not limit any human rights.

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CLAUSE NOTES

Clause 5 – Oppose Clause

This clause has been addressed in updates to the Government Agencies (Campaign Advertising) Guidelines that support the Act.

Clause 10 – Proposed New section 18 (1A)

The proposed new section outlines restrictions on government campaigns during a Commonwealth election period.

Proposed new section 18 (1A)

Page 4, line 14—

omit proposed new section 18 (1A), substitute

(1A) A government agency must not begin or continue a government campaign during a Commonwealth pre-election period if—

(a) the campaign—

(i) is about a program, policy or matter that is wholly or partly funded by the Commonwealth; and

(ii) mentions the Commonwealth funding; or

(b) the campaign depicts, names or otherwise identifies—

(i) a Senator or member of the House of Representatives; or

(ii) a candidate or prospective candidate for election as a Senator or member of the House of Representatives.

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