



New South Wales

Government Advertising Regulation 2024

under the

Government Advertising Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Government Advertising Act 2011*.

STEVE WHAN, MP

On behalf of the Minister for Customer Service and Digital Government

Explanatory note

The object of this regulation is to remake, with minor amendments, the *Government Advertising Regulation 2018*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation—

- (a) provides exemptions from certain requirements under the *Government Advertising Act 2011* for Government advertising campaigns for specified matters, and
- (b) prescribes the monetary threshold for peer review of Government advertising campaigns.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of regulation

This regulation is the *Government Advertising Regulation 2024*.

2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Government Advertising Regulation 2018*, which would otherwise be repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definition

In this regulation—

the Act means the *Government Advertising Act 2011*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Threshold for peer review of Government advertising campaigns—the Act, s 7(2)

The prescribed amount is \$250,000.

5 Exemption from whole Act except prohibition on political advertising—the Act, s 4(5)

The Act, except section 6(1), does not apply to a Government advertising campaign by or on behalf of the following—

- (a) a Royal Commission,
- (b) a Special Commission of Inquiry,
- (c) the Independent Commission Against Corruption,
- (d) the Law Enforcement Conduct Commission,
- (e) the Electoral Districts Redistribution Panel, established under the *Electoral Act 2017*,
- (f) a State owned corporation,
- (g) a university established or continued by or under an Act.

6 Exemption of certain advertising campaigns by Electoral Commissioner or Electoral Commission—the Act, s 4(5)

The Act, sections 6 and 7(2) do not apply to a Government advertising campaign that—

- (a) the Electoral Commissioner or Electoral Commission is required to carry out by law, or

- (b) is carried out by the Electoral Commissioner or Electoral Commission for, or in connection with, a particular electoral event, including the following—
 - (i) a State election,
 - (ii) a local government election,
 - (iii) a referendum,
 - (iv) other elections that the Electoral Commissioner is required to administer by law.

7 Exemption of certain routine advertising campaigns from requirement for compliance certificate—the Act, s 4(5)

- (1) A routine advertising campaign of a Government agency is exempt from the Act, section 8 if—
 - (a) the cost of the campaign is not likely to be more than \$250,000, and
 - (b) the campaign is procured on behalf of the Government agency by an authorised person, and
 - (c) the authorised person is otherwise authorised to incur the expenditure on behalf of the agency, and
 - (d) in the authorised person’s opinion, the campaign complies with the Act, this regulation and the Government advertising guidelines.

- (2) In this section—

authorised person means a member of staff who is—

- (a) authorised in writing by the head of the Government agency, or
- (b) in a class of members of staff authorised in writing by the head of the Government agency.

routine advertising campaign means a Government advertising campaign principally involving the dissemination of one or more of the following—

- (a) information about routine matters relating to the provision of services, including notification of service changes,
- (b) information about requirements imposed on persons,
- (c) community announcements or notices about community events or activities,
- (d) notices or announcements required to be made by or under a law,
- (e) recruitment notices,
- (f) Government tender or procurement notices.

8 Exemption from restrictions on advertising campaigns during pre-election period—the Act, s 4(5)

- (1) The Act, section 10 does not apply to a Government advertising campaign relating to the following events—
 - (a) NSW Seniors Festival,
 - (b) the Premier’s Harmony Dinner,
 - (c) NSW Women’s Week, including the NSW Women of the Year Awards.
- (2) The Act, section 10 does not apply to a Government advertising campaign by or on behalf of the following—
 - (a) the Art Gallery of New South Wales Trust,
 - (b) the Australian Museum Trust,
 - (c) the Centennial Park and Moore Park Trust,

- (d) Destination NSW,
 - (e) the department in which the *National Parks and Wildlife Service Act 1974* is administered, if the campaign relates to the National Parks and Wildlife Service,
 - (f) the Premier's Department, if the purpose of the campaign is to promote investment, trade or education in the State,
 - (g) the Library Council of New South Wales,
 - (h) Museums of History NSW,
 - (i) NSW Trains, trading as NSW TrainLink,
 - (j) NSW Trustee and Guardian,
 - (k) the Parramatta Park Trust,
 - (l) Place Management NSW,
 - (m) the Royal Botanic Gardens and Domain Trust,
 - (n) the Sydney Olympic Park Authority,
 - (o) the Sydney Opera House Trust,
 - (p) the Technical and Further Education Commission, also known as the TAFE Commission,
 - (q) the Trustees of the Museum of Applied Arts and Sciences, also known as the Powerhouse Museum,
 - (r) Venues NSW,
 - (s) the Western Sydney Parklands Trust,
 - (t) the Zoological Parks Board of New South Wales, also known as the Taronga Conservation Society Australia.
- (3) The Act, section 10 does not apply to a Government advertising campaign on behalf of Create NSW in the Department of Creative Industries, Tourism, Hospitality and Sport.

9 Repeal and savings

- (1) The *Government Advertising Regulation 2018* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Government Advertising Regulation 2018*, had effect under that regulation continues to have effect under this regulation.