

Government Advertising Regulation 2018

[2018-780]



New South Wales

Status Information

Currency of version

Current version for 25 November 2022 to date (accessed 17 May 2024 at 15:57)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 25 November 2022

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Government Advertising Regulation 2018



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1 Name of Regulation

This Regulation is the [Government Advertising Regulation 2018](#).

2 Commencement

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

Note—

This Regulation replaces the [Government Advertising Regulation 2012](#), which would otherwise be repealed on 1 September 2019 by section 10 (2) of the [Subordinate Legislation Act 1989](#).

3 Definition

(1) 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.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Peer review of Government advertising campaigns threshold

For the purposes of section 7 (2) of the Act, the prescribed amount is \$250,000.

5 Exemption from whole Act (other than prohibition on political advertising)

The Act (other than 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 within the meaning of the [Electoral Act 2017](#),
- (f) a State owned corporation,
- (g) a university established or continued by or under a statutory instrument.

6 Exemptions relating to certain advertising campaigns undertaken by Electoral Commissioner or Electoral Commission

Sections 6 and 7 (2) of the Act do not apply to a Government advertising campaign that—

- (a) the Electoral Commissioner or the Electoral Commission is required to carry out by law, or
- (b) is carried out by the Electoral Commissioner or the Electoral Commission for the purposes of, or in connection with, a particular electoral event (such as a State election, a local government election, a referendum or other election that the Electoral Commissioner is required to administer by law).

7 Exemption of routine advertising from requirement for head of agency compliance certificate

- (1) A routine campaign, and the Government agency concerned, are exempt from section 8 of the Act if—
 - (a) the cost of the campaign is not likely to exceed \$250,000, and
 - (b) the campaign is procured on behalf of the agency by a member of staff, or a member of staff who is a member of a class of members of staff, authorised in writing by the head of the agency, and
 - (c) the authorised officer is otherwise authorised to incur the expenditure on behalf of the agency, and
 - (d) in the opinion of the authorised officer, the campaign complies with the Act, the regulations and the Government advertising guidelines.
- (2) In this clause, ***routine campaign*** means a Government advertising campaign that principally involves the dissemination of any 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 any law,
- (e) recruitment notices,
- (f) government tender or procurement notices.

8 Exemption from restrictions on Government advertising campaigns during pre-election period

- (1) Section 10 of the Act does not apply to a Government advertising campaign relating to the following matters—
 - (a) NSW Seniors Festival,
 - (b) (Repealed)
 - (c) the Premier's Harmony Dinner,
 - (d) NSW Women's Week (including NSW Women of the Year Awards).
- (2) Section 10 of the Act 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) Place Management NSW,
 - (d) the Centennial Park and Moore Park Trust,
 - (e) Destination NSW,
 - (f) the Historic Houses Trust of New South Wales,
 - (g) the Trustees of the Museum of Applied Arts and Sciences (also known as the Powerhouse Museum),
 - (h) the NSW Trustee and Guardian,
 - (i) the Department of Planning and Environment, if the campaign relates to the National Parks and Wildlife Service,
 - (j) the Parramatta Park Trust,
 - (k) the Department of Enterprise, Investment and Trade, if the purpose of the campaign is to promote investment, trade or education in the State,
 - (l) the Royal Botanic Gardens and Domain Trust,
 - (m) the State Library of New South Wales,

- (n) (Repealed)
 - (o) the Sydney Olympic Park Authority,
 - (p) the Sydney Opera House Trust,
 - (q) the Technical and Further Education Commission (also known as the TAFE Commission),
 - (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) Section 10 of the Act does not apply to a Government advertising campaign on behalf of the following—
- (a) Create NSW,
 - (b) NSW TrainLink.

9 Repeal

The *Government Advertising Regulation 2012* is repealed.

10 Saving

Any act, matter or thing that, immediately before the repeal of the *Government Advertising Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.