

Legislative Council—No 19

As introduced and read a first time, 23 June 2010

South Australia

**Constitution (Government Advertising)
Amendment Bill 2010**

A BILL FOR

An Act to amend the *Constitution Act 1934*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Constitution (Government Advertising) Amendment Act 2010*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Constitution Act 1934*

3—Insertion of section 10B

10 After section 10A insert:

10B—Expenditure on Government advertising

- (1) A public authority must not undertake or arrange any advertising except as permitted by this section.
- 15 (2) Subsection (1) does not apply to the following kinds of advertising by a public authority:
 - (a) advertising designed to reduce the risk to life or serious injury;
 - (b) advertising relating to the prevention or investigation of crime;
 - 20 (c) a reasonable level of advertising aimed at promoting public health;
 - (d) a reasonable level of advertising for the purpose of consumer protection;
 - 25 (e) a reasonable level of advertising advising citizens of their legal obligations;

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- (f) a reasonable level of advertising of goods or services that generate—
- (i) economic activity in the State; or
 - (ii) revenue for services funded by a public authority;
- (g) the publication of notices relating to goods, services or places operated or funded by a public authority for community benefit;
- (h) the publication of notices required by law;
- (i) advertising necessary for the purpose of—
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- (i) the conduct of a tender by a public authority; or
 - (ii) the recruitment of staff by a public authority;
- (j) advertising approved by Parliament.
- (3) This section does not affect the way a member of the Parliament may spend an electoral allowance.
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- (4) For the purposes of subsection (2)(j), advertising is approved by Parliament if the nature of the content of the advertising has been approved by prior resolution of both Houses of Parliament.
- (5) In this section—
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- advertising*** means an advertisement or series of advertisements published, or to be published—
- (a) in printed form; or
 - (b) by radio or television; or
 - (c) through electronic publication or broadcast on the Internet;
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- public authority*** means a public sector agency within the meaning of the *Public Sector Act 2009*.