

ADVERTISING SPENDING POLICY

SCOPE

Council advertising and related processes for which payment is made from public funds for the purpose of publicising any policy, product, service or activity provided by Council.

LEGISLATION

Local Government Regulation 2012 Section 164 & 197
Local Government Act 2009 Section 90A & 90D

OBJECTIVE

To:

1. comply with the local government principles
2. meet the requirements of the legislation
3. ensure appropriate authorisation of advertising expenditure; and
4. ensure the Council obtains value for money in placing advertising

DEFINITIONS

Advertising	Promoting an idea, goods or services to the public for which a fee is paid
Caretaker period	As defined in the <i>Local Government Act 2009</i> Section 90A <ol style="list-style-type: none"> 1) The caretaker period for a local government is the period during an election for the local government that— <ol style="list-style-type: none"> b. starts on the day when public notice of the holding of the election is given under the <i>Local Government Electoral Act 2011</i>, section 25(1); and c. ends at the conclusion the election. 2) There is no caretaker period during a by-election or fresh election
CEO	The Chief Executive Officer of Banana Shire Council
Council	Banana Shire Council
Election	A quadrennial or a fresh election or a by-election of Council
Election Material	As defined in the <i>Local Government Act 2009</i> Section 90D. <ol style="list-style-type: none"> 2) Election material is anything able to, or intended to— <ol style="list-style-type: none"> (a) influence an elector about voting at an election; or (b) affect the result of an election

POLICY

Council may legitimately use public funds for advertising and publicity to explain its policies and services and to inform the public of the services available to them and of their rights and responsibilities.

This policy details acceptable types of advertising and provides procedural guidance to ensure the various advertising mediums are only used for the provision of information or education in the public interest. Council advertising in this context refers to any process for which payment is made from public funds for the purpose of publicising any policy, product, service or activity provided by Council.

This policy recognises that advertising and publicity should not be conducted in a manner that results in public funds being used to finance publicity for political purposes. This document details specific restrictions, conditions and limitations specific to advertisements placed in the defined period leading up to a Council election.

Editorials, external media releases and other advertising that occur (but do not require expenditure of Council funds or are outside of Council control) are not covered by this document.

Council may spend money on advertising only –

- (a) if -
 - (i) the advertising is to provide information or education to the public; and
 - (ii) the information or education is provided in the public interest; and
- (b) in a way that is consistent with the local government's advertising spending policy

Acceptable Advertising

Council will make budgetary provisions for advertising expenditure for the purpose of communicating information to the public. The following types of advertising are politically non-contentious and essential to convey or collect information.

Job Vacancies

The Human Resources Section is responsible for all job vacancy advertisements. These are published in a variety of media. Jobs are also advertised on Council's website and the information may be downloaded by applicants.

Quotations, Tenders and Contracts

In most cases, advertisements for tender are managed and administered by the Council Department calling for the tender. Tenders are advertised in a variety of papers which is dependent on the amount of exposure required.

Public Notices

Public notices typically have a low creative content and seek to impart specific information in a direct and unembellished manner. This type of advertising includes, but is not limited to the following:

- Impounded Stock
- Council Meeting Dates
- Naming of Parks and Reserves
- Road Closures
- Abandoned Vehicles

Respective Council Departments are responsible for arranging advertising of this type.

Legislative Requirement

Occasionally, Council advertisements are required as a result of obligations under various Acts and Regulations. This type of advertising must be approved by the CEO or the Director of the Department and published in accordance with the advertising procedures.

Display Advertisements

This type of advertising which typically involves high creative content and the services of a graphic designer are often necessary to ensure quality and consistency of material. Examples of such advertising include:

- Operating times for Council facilities
- Advertising events and festivals
- Public consultation
- Community workshops

Advertising procedures must also be followed when placing advertisements of this nature including referring the advertisement to the CEO or Director of the Department for review prior to its publication.

Co-operatives (e.g. Regional Arts Development Fund [RADF])

In some cases advertisements are placed in conjunction with another organisation or agency. In these instances, because joint branding may be necessary, the CEO must be given the opportunity to review the advertisement before it is published.

Presentation

Advertisements should be presented in a manner that is:

- Accurate, Factual, Truthful
- Information must be factual and presented clearly and accurately
- Advertisements that include commentary and/or analysis of that information to amplify its meaning should be indicated as such
- Fair, Honest, Impartial
- The material must be presented in unbiased and objective language and in a manner free from partisan promotion of government policy and political argument
- Lawful, Proper

The material must comply with the law.

Editorial

Council may engage with publications for paid content in respect to local stories of interest to the community. This may include promoting community programming, recognising individuals or conveying information to the public.

Election Material

Election material must not be published during a caretaker period.

During

- a. the period of three (3) months preceding a quadrennial Council election, or
- b. within the caretaker period for a quadrennial Council election, or
- c. the period starting on the day when public notice of the holding of a fresh or by-election is given under the *Local Government Electoral Act 2011*, section 25(1) and ending at the conclusion the election,

Council must not

- (i) Place advertisements relating to future plans unless, and only to the extent that, those plans have been formally adopted by the Council prior to the commencement of the this period;
- (ii) Advertise the activities of the Council otherwise than in the manner and form it is customary for the Council to advertise its activities;
- (iii) Place advertisements which seek to influence support for particular candidates, groups of candidates or potential candidates in the election;
- (iv) Bear the cost of advertisements featuring one or more councillors or containing quotations attributed to individual councillors.

Note:

- (i) This does not preclude councillors appearing in unpaid publicity or other publicity where the cost is not borne by the Council.
- (ii) This prohibition does not apply to making a how-to-vote card available under the *Local Government Electoral Act 2011*, section 179(6).

Other Exclusions

Public funds will not be used for Council advertising where:

- Political parties are mentioned by name.
- A reasonable person could misinterpret the message as being on behalf of a political party or other grouping.
- A political party or other grouping is being disparaged or held up to ridicule.
- Members of Council are named, depicted or otherwise promoted in a manner that a reasonable person would regard as excessive or gratuitous.
- The method or medium of advertising is manifestly excessive or extravagant in relation to the objective being pursued.
- There is no clear line of accountability, appropriate audit processes or suitable purchasing process for the advertising sought.

Approving Council Officer

The approving Council Officer must ensure that:

- The expenditure is in accordance with the policy
- The cost of the advertisement is appropriate for the number of people it is intended to inform and provides a commensurate benefit to the Council or to the public
- The cost is available in the relevant budget item and meets the requirements for expenditure approvals in accordance with the procurement policy and financial delegations of the authorising officer

CERTIFICATION



.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

21/10/21

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DATE