

Authorised Version

Public Administration (Public Sector Communication) Regulations 2018

S.R. No. 143/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 143/2018

Public Administration Act 2004

Public Administration (Public Sector Communication) Regulations 2018

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council, makes the following Regulations:

Dated: 25 September 2018

Responsible Minister:

GAVIN JENNINGS
Special Minister of State

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to prescribe for the purposes of Part 5A of the **Public Administration Act 2004**—

- (a) public interest purposes for publication of public sector communication; and
- (b) standards for public sector communication; and
- (c) advertising standards and advertising requirements for advertising a public sector communication; and
- (d) any other matters necessary to give effect to that Part.

2 Authorising provision

These Regulations are made under section 112 of the **Public Administration Act 2004**.

3 Definitions

In these Regulations—

State purchase contract means a whole of government aggregated arrangement for the procurement of certain goods or services commonly used by Victorian public sector bodies;

the Act means the **Public Administration Act 2004**;

Victorian Electoral Commission means the Victorian Electoral Commission established under section 6 of the **Electoral Act 2002**.

4 Public interest purposes for publication of public sector communication

For the purposes of section 97B(2) of the Act, the following are prescribed public interest purposes—

- (a) to inform the public of new, existing or proposed public sector policies or projects or Victorian legislation;
- (b) to promote public safety, personal security or behavioural change;
- (c) to advocate on behalf of Victoria to advance Victoria's position or interests;
- (d) to promote awareness of rights, responsibilities, duties or entitlements;
- (e) to encourage understanding or use of public sector products and services;
- (f) to report on performance in relation to public sector undertakings;

- (g) to promote social cohesion, civic pride or community spirit;
- (h) to encourage public involvement in decision making by public sector bodies;
- (i) to recruit staff;
- (j) to promote business opportunities within the public sector;
- (k) to promote commercial or economic development within Victoria;
- (l) to generate revenue for public sector bodies or for Victoria through consumption of products or services delivered by or in partnership with public sector bodies.

5 Public sector communication standards

- (1) For the purposes of section 97C(b) of the Act, the following are prescribed public sector communication standards—
 - (a) the public sector communication does not refer to a political party;
 - (b) the public sector communication does not include a slogan, image, logo or the branding of a political party;
 - (c) the public sector communication does not include links to the website of—
 - (i) a political party; or
 - (ii) a candidate for election; or
 - (iii) a member of Parliament;
 - (d) the public sector communication does not denigrate without grounds individuals, groups or organisations;

- (e) the public sector communication does not present statistics or comparisons in a manner that—
 - (i) is deliberately inaccurate; or
 - (ii) is deliberately misleading;
 - (f) the public sector communication does not present information as fact if that information is not reasonably able to be substantiated as fact;
 - (g) the public sector communication does not name, portray or promote members of Parliament in a manner regarded as excessive or gratuitous.
- (2) Despite subregulation (1)(c)(iii), a public sector communication may include links to the social media account of a member of Parliament.

6 Public sector communication advertising standard for political party references

For the purposes of section 97E of the Act, it is a prescribed advertising standard that a public sector communication does not refer to the State, the Parliament or the public sector by reference to—

- (a) the name of the leader of a political party; or
- (b) the name of a political party.

7 Public sector communication advertising standard for promoting services, activities or infrastructure projects

For the purposes of section 97E of the Act, it is a prescribed advertising standard that a public sector communication does not directly promote services, activities or infrastructure projects for which funding for the development, commencement or delivery of those services,

activities or infrastructure projects has not yet been provided.

8 Public sector communication for the purposes of conducting an election

Despite regulation 5(1)(a), (b) and (c), the Victorian Electoral Commission, for the purposes of conducting an election, may publish a public sector communication that—

- (a) refers to a political party; or
- (b) includes a slogan, image, logo or the branding of a political party; or
- (c) includes a link to the website of a political party, a candidate for election or a member of Parliament.

9 Public sector communication with references to the Premier

Despite regulation 5(1)(c) and (g), a public sector body may publish a public sector communication that—

- (a) includes a link to the website maintained by or on behalf of the Premier in the Premier's capacity as Premier; or
- (b) names, portrays or promotes the Premier in the Premier's capacity as Premier.

10 Public sector communication advertising requirement for purchase of media

- (1) For the purposes of section 97E of the Act, it is a prescribed advertising requirement that media placements must be purchased under a relevant State purchase contract for media services.
- (2) Despite subregulation (1), a public sector body may advertise or cause to be advertised a public sector communication under a contract other

than a State purchase contract in the following circumstances—

- (a) the public sector body is purchasing or causing to be purchased a form of media placement that is outside the scope of the relevant State purchase contract; or
- (b) the public sector body is purchasing or causing to be purchased a form of media placement that is available as an optional or ancillary service within the relevant State purchase contract; or
- (c) no relevant State purchase contract is in place; or
- (d) the public sector body is exempt from advertising the public sector communication under the relevant State purchase contract in accordance with regulation 11.

11 Secretary may exempt public sector body from advertising a public sector communication under a State purchase contract

- (1) Subject to subregulation (2), the Secretary to the Department of Premier and Cabinet may, by notice in the Government Gazette, exempt a public sector body from advertising a public sector communication under a State purchase contract.
- (2) The Secretary to the Department of Premier and Cabinet must not exempt a public sector body under subregulation (1) unless the Secretary has consulted the Secretary to the Department of Treasury and Finance.