
Appendix one – Response to Destination NSW

Destination NSW' response to this report raises a number of issues with the contents of the report. The Audit Office has carefully considered Destination NSW' issues of concern. Based on objective facts, the findings in this report remain balanced, accurate and complete as relevant to the audit scope. Our responses to key issues raised by Destination NSW are clarified below to ensure there is a complete understanding of the facts as set out in the report.

Peer review and compliance with the *Government Advertising Act 2011*

Destination NSW states that it did not fail to comply with the Act as alternative arrangements were made with the Department of Customer Service (DCS). The report acknowledges that Destination NSW and DCS agreed to categorise these campaigns as urgent (pages 2, 10, 18), allowing the peer review for each campaign to take place after the campaigns had commenced. As noted in the report (page 11) Destination NSW only completed the peer review for the Love Sydney campaign, meaning that the other campaigns did not comply with the *Government Advertising Act 2011* (the Act).

Compliance certificate

In regards to the signing of the compliance certificate, Destination NSW states that “there is only general guidance on when to sign the certificate”. As noted in the report (page 10), section 8 of the Act states that the head of the agency must certify that the advertising campaign complies with the Act, the regulations and the Government advertising guidelines, and that it is an efficient and cost-effective means of achieving its public purpose.

As noted in the report, without any form of cost-benefit analysis or other evaluation for any of the campaigns prior to the date of signing of the compliance certificate, the Acting Chief Executive had no evidence that could support the certification that the campaigns were 'an efficient and effective means of achieving the public purpose' (page 10). The absence of peer review or a cost-benefit analysis also means that the Acting Chief Executive could not certify that the campaigns complied with the Act, the regulations or the Guidelines, nor that the campaign was supported by analysis and research (page 10).

Compliance with the Culturally and Linguistically Diverse and Aboriginal Advertising Policy

Compliance with the 'CALD and Aboriginal Advertising Policy' (the Policy) is discussed at pages 11-12 of the report. This section notes that the particular factors raised by Destination NSW do not negate Destination NSW's responsibility to ensure that the Policy requirements are met. Further, Destination NSW states that the requirements of the Policy “are not applied to interstate investment”. As noted on page 12 of the report, this statement cannot be found in the Policy.