



**Submission to the
Legal Affairs and Community Safety Committee on the
Classification of Publications (Billboard Advertising)
*and Other Legislation Amendment Bill 2013***

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Introduction

The Australian Christian Lobby (ACL) welcomes this opportunity to make a submission into the *Classification of Publications (Billboard Advertising) and Other Legislation Amendment Bill 2013*. This submission will address ACL's concerns about the sexualisation of children in general, and then focus on the particular issue of sexually explicit advertising displayed publicly on billboards and by other outdoor media. It will then address the content of this particular bill.

An appendix is added at the end containing eight examples of outdoor advertising which offends community standards.

ACL has lobbied for many years for tighter regulation of outdoor advertising, making a number of submissions to federal inquiries on the issue of outdoor advertising, most recently to the Health and Community Services Committee on Sexually Explicit Outdoor Advertising in June 2013.¹

This submission outlines some of ACL's concerns about sexualisation in outdoor advertising before addressing the particulars of this bill.

Outdoor Advertising: Public, Unavoidable, Harmful

Lauren Rosewarne says in her 2007 book *Sex in Public*, cited in the Standing Committee's 2011 report *Reclaiming Public Space*:

*Unlike the 'private' world of magazine and television advertising, outdoor advertising pervades public space, thus making regulation of the medium a pertinent public policy concern. The inescapable nature of outdoor advertising, compounded with the increasingly sexualised display of women within it, demands that a public policy response occurs.*²

Later, the Committee concluded regarding children:

*a consistent concern through the inquiry was that children are exposed to inappropriate outdoor advertising that is not aimed at them but nonetheless visible to them and capable of having a negative impact on their physical or psychological well-being.*³

Outdoor advertising is, by its nature, public and unavoidable. It is consumed by the general population, including children, and parents have no option to remove it from their children's view. Unlike other forms of advertising, billboards and buses cannot be switched off, the channels changed, or the page turned. Young children driving with their parents, waiting at bus stops, or on school buses will be confronted with graphic sexual images which would not be permitted during the television programmes they watch.

Many of the advertisements in question would be deemed sexual harassment in a workplace context. The Australian Human Rights Commission (AHRC) defines sexual harassment as including "displaying posters, magazines or screen savers of a sexual nature".⁴

¹ Australian Christian Lobby (June 2013), *Submission*

² Lauren Rosewarne (2007), *Sex in Public: Women, outdoor advertising and public policy*, Cambridge Scholars: Newcastle, p 137, as cited House of Representatives Standing Committee on Social Policy and Legal Affairs (July 2011), *Reclaiming Public Space: Inquiry into the regulation of billboard and outdoor advertising*, p 1.

³ Standing Committee, *Reclaiming Public Space*, p 87-88.

⁴ Australian Human Rights Commission, *Sexual Harassment*, <http://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment>, accessed on June 20, 2013. See also *Sexual Harassment – Code of Practice for Employers (2004)*, chapter 1 – 'What Is Sexual Harassment?': <http://www.humanrights.gov.au/publications/sexual-harassment-code-practice-employers-2004>.

Because outdoor advertising is necessarily for general consumption, it is appropriate that all outdoor advertising content conform to an equivalent of a G rating for TV. To allow otherwise is inconsistent and illogical.

In *Reclaiming Public Space*, the Standing Committee said “in addition to being unavoidable, there is no control over the prevalence of outdoor advertising”, and noted the issue of “not just inappropriate but also cumulative exposure to advertising”.⁵ Thus, because outdoor advertising is static and stays in place for extended periods in public, not only can people not avoid it, they are exposed to it frequently. This unavoidable, frequent, cumulative exposure that saturates children in an environment of overtly sexualised imagery which they are not mature enough to understand and which they cannot avoid.

Sexualisation of Children

ACL believes that the sexualisation of children is one of the most serious cultural challenges faced in the West today. “Sexualisation” was defined by Rush and La Nauze as, broadly, the “act of giving someone or something a sexual character”.⁶ They present a more focused application of the term “sexualisation of children” as that which “captures the slowly developing sexuality of children and moulds it into stereotypical forms of adult sexuality”.⁷ In other words, children are being presented an image modelled on adult sexual behaviour before they are developmentally ready for it.

The American Psychological Association (APA) defines sexualisation as occurring when:

- a person’s value comes only from his or her sexual appeal or behaviour, to the exclusion of other characteristics;
- a person is held to a standard that equates physical attractiveness (narrowly defined) with being sexy;
- a person is sexually objectified – that is, made into a thing for others’ sexual use, rather than seen as a person with the capacity for independent action and decision making; and/or
- sexuality is inappropriately imposed upon a person.⁸

All these points are significant problems in media today, including in advertising and in outdoor advertising visible to children. The APA states that only one of these conditions needs to be present to indicate sexualisation. Perhaps the most immediately relevant to this inquiry is the fourth point: with some billboards, sexuality is inappropriately *imposed* upon anyone who happens to drive or walk past, and there is nothing they can do to avoid it. It is by no means the only relevant point, however. As some of the examples listed below demonstrate, the sexual objectification of people, especially women, and the equation of attraction and value with sexual appeal or “being sexy” is prevalent in outdoor advertising.

Rush and La Nauze call the problem of sexualisation of children a modern development and argue that it has the potential to harm children in a variety of ways.⁹ The Australian Medical Association (AMA) has warned about the hazards of “idealised images” and their impact on self-esteem, body image, and eating disorders.¹⁰

⁵ Standing Committee, *Reclaiming Public Space*, p 19.

⁶ Emma Rush and Andrea La Nauze (October 2006), *Corporate Paedophilia: Sexualisation of children in Australia*, The Australia Institute, p 1.

⁷ Rush and La Nauze (October 2006), *Corporate Paedophilia*, p 1.

⁸ American Psychological Association (2010), *Report of the APA Task Force on the Sexualization of Girls*, <http://www.apa.org/pi/women/programs/girls/report-full.pdf>, p 1.

⁹ Rush and La Nauze (October 2006), *Corporate Paedophilia*, p 2.

¹⁰ Australian Medical Association (2002, revised 2009), Position Statement – Body Image and Health.

Similarly, the APA Task Force summarised the evidence they examined, stating:

*there is evidence that girls exposed to sexualizing and objectifying media are more likely to experience body dissatisfaction, depression, and lower self-esteem... Self-objectification has been shown to diminish cognitive ability and to cause shame. This cognitive diminishment, as well as the belief that physical appearance rather than academic or extracurricular achievement is the best path to power and acceptance, may influence girls' achievement levels later in life.*¹¹

The APA report discusses evidence of the prevalence of sexualisation in media aimed at girls, including movies, television including cartoons, dolls such as Bratz dolls and other products including clothing and cosmetics, music videos and lyrics, magazines, video games, sport coverage, and of course the internet.¹² Much space was given to demonstrating the prevalence of sexualisation in advertising,¹³ arguing that:

*young women and adult women are frequently, consistently, and increasingly presented in sexualized ways in advertising, creating an environment in which being female becomes nearly synonymous with being a sexual object.*¹⁴

Even more shockingly, the APA Task Force argues that

*although advertisers are typically careful not to sexualize young girls directly, several advertising techniques do so indirectly.*¹⁵

These indirect techniques include depicting children, especially girls, as counterparts to sexualised adult women; blurring the distinction between women and girls both with young girls being “adultified” and women “youthified”; and employing youthful celebrities in highly sexualised ways.¹⁶

It is for this reason that Rush and La Nauze argue that:

*the sexualisation of children also risks normalising and possibly encouraging paedophilic sexual desire for children.*¹⁷

This is relevant to advertising in general, and to media more broadly, but ACL submits it is also directly relevant to outdoor advertising. Although, tragically, many children are being exposed to sexualised imagery at younger and younger ages through more and more forms of media, this is still mostly within the abilities of a vigilant parent to control. With such sexualisation becoming increasingly prevalent in outdoor areas frequented by families and children, it is increasingly difficult for even the wariest parent to find a safe place where their children will not be confronted by harmful messages.

The Classification of Publications (Billboard Advertising) and Other Legislation Amendment Bill 2013

ACL commends the Katter Party's intent to protect children from inappropriate billboard advertising. The Explanatory Notes accompanying the bill stress the importance of addressing the sexualisation

¹¹ APA (2010), *Report of the APA Task Force*, p 34.

¹² APA (2010), *Report of the APA Task Force*, pp 4-14

¹³ APA (2010), *Report of the APA Task Force*, pp 10-12

¹⁴ APA (2010), *Report of the APA Task Force*, pp 11-12

¹⁵ APA (2010), *Report of the APA Task Force*, p 12

¹⁶ APA (2010), *Report of the APA Task Force*, p 12

¹⁷ Rush and La Nauze (October 2006), *Corporate Paedophilia*, p 2.

of children in advertising and acknowledges the need for effective regulation. The notes acknowledge:

*A more effective regulatory environment requires a specific focus upon the needs and interests of children and is particularly important given the voluntary nature of relevant regulatory codes.*¹⁸

The notes also make clear that a child-focused approach to regulation is consistent with the United Nations Convention on the Rights of the Child. Among other things, this Convention acknowledges the “important function performed by the mass media” and requires States to:

*Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being.*¹⁹

The Explanatory Notes also acknowledge the failure of the current regulatory system to reflect community standards,²⁰ and the negative effects on society of exposure to inappropriate material in advertising.²¹

Despite this, ACL cannot support the bill in its current form. The geographical zoning proposal falls short of what is required to adequately protect children and families from sexualised billboards.

The bill proposes billboards be subject to a classification process similar to other publications.²² The Explanatory Notes explain that:

- Areas “highly frequented” by families and children would have a maximum G rating
- Areas “moderately frequented” by families would allow a PG rating.
- Areas that are “least frequented by families and children” would be allowed an M or MA15+ rating.

ACL believes that all public outdoor areas should be accessible to and safe for children and families. There seems no justification for regarding some areas as MA15+ zones based on their lack of certain facilities. Even if some areas are predominantly frequented by adults only, establishing an MA15+ zone would potentially draw an excess of MA15+ billboards and reinforce the idea that certain areas in public are not for children. As a society we should encourage the idea that the outdoors is a place for everyone. We should strive for a society where parents do not have to avoid certain “zones” to keep their children safe.

Examples of facilities “highly frequented by children and families” are given as “schools, bus stops, train stations, hospitals, shopping centres, sporting facilities, religious centres”.²³

¹⁸ Classification of Publications (Mandatory Billboard Geographical Classification Zoning) Amendment Bill 2013 – Explanatory Notes, p 3, citing the submission by the Victoria’s Child Safety Commissioner to the 2008 *Senate Inquiry Into The Sexualisation Of Children In The Contemporary Media Environment*, p 10.

¹⁹ Article 17(e), *Convention on the Rights of the Child*.

²⁰ Explanatory Notes, p 4.

²¹ Explanatory Notes, p 1.

²² Division 5.

²³ Explanatory Notes, p 6.

By comparison, examples of areas that are “moderately frequented by families” are “thoroughfares to schools, bus stops, train stations, religious centres, shopping centres, theme parks, popular coastal areas, sporting facilities, community swimming pools and holiday areas”.²⁴

No examples are given of areas which might be considered “least frequented by families and children”, but they are required to have a radius of 20km from the “(G) zone impact area”.²⁵

The difference between the examples given for “highly frequented” and “moderately frequented” areas is unclear. It would be no more appropriate to place explicit content in view of children just because it was placed in a thoroughfare to a school rather than near the school itself. Furthermore, the 15km radius required for PG zones, and the 20km radius for M and MA15+ zones, seems arbitrary. These zones may not cover areas “highly frequented” by children but will still be in areas accessible to children. Some of the most offensive billboards are found on highways and freeways or other main roads which may well be distant from these particular facilities.

It is true that many of the most controversial billboards attract complaints based on their proximity to a school, for example. But just because billboards in certain locations are guaranteed to be viewed by children does not mean that billboards away from these locations will not be viewed by the same children.

The stated Policy Objectives include “chang[ing] the behaviour of the advertising and marketing industries use of moderate (Mature (M)) or strong (Mature Accompanied (MA15+)) content”.²⁶ The introduction of geographical zoning would only modify behaviour to a limited extent. It would limit the locations available, but it would still allow the production of M and MA15+ material to be displayed in public spaces. The industries would not change their behaviour but would continue to produce sexualised images.

Similarly, the requirement of a levy on M and MA15+ billboards is unlikely to be an adequate deterrent. The Explanatory Notes describe the levy as a “stimuli for advertising and marketing industries to change their use” of M and MA15+ content.²⁷ This is ambitious. A small levy on billboard owners could easily be passed on to advertisers, who would likely be willing to pay extra to avoid having to change their marketing strategies and cease using of M and MA15+ content.

²⁴ Explanatory Notes, p 6.

²⁵ Explanatory Notes, p 7.

²⁶ Explanatory Notes, p 1.

²⁷ Explanatory Notes, p 7.

Conclusion

Overtly sexualised imagery should not be tolerated in public spaces in the name of free speech or of advertising. Sexualisation is harmful to children in a number of ways. Furthermore, it devalues and objectifies women. A society which values children and women should not tolerate such sexualisation in advertising. When this advertising is prevalent outdoors, in full view of the public, steps need to be taken to regulate it and ensure such harmful messages are not displayed.

This bill recognises the problem of sexualisation in outdoor advertising. However, it falls short of offering an adequate solution. Establishing zones in which adult content can be displayed, even for a cost to the advertiser, is not an answer. We have a responsibility to protect children from sexualised advertising. All public spaces should be safe for families and children. All outdoor advertising should be G rated. This is the only system of advertising regulation that will provide a safe environment for all children.

Thank you for consideration of our submission

Yours sincerely

A handwritten signature in black ink, appearing to read 'W Francis', is positioned above the typed name.

Wendy Francis

Queensland Director

Australian Christian Lobby