

Persuasion, Persistence, Now Time for Punishment

The case of offensive advertising on Wicked Campers
(Nov 2016)

Submission to the Transportation and Utilities Committee (TUC),
Queensland Parliament on the Transport Operations (Road Use
Management) (Offensive Advertising) Amendment Bill 2016

Submission Title:

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The case of offensive advertising on Wicked Campers

From:

Micah Projects, Brisbane

Date:

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Introduction

The Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016 enables the State Government to act decisively in de-registering vehicles that display offensive advertising. The Bill's objective is to minimise the amount of offensive advertising on Queensland registered vehicles to enforce the Advertising Standards Board (ASB) determinations.

This is action that Micah Projects wholeheartedly endorses. We commend the Transportation and Utilities Committee for this opportunity to provide feedback on the Bill.

The need for legislative action and penalties has been prompted by the continued use of offensive slogans on Wicked Camper vehicles. Corporate executive of Wicked Campers, Mr John Webb has not been persuaded to voluntarily remove offensive slogans on his company vehicles despite long-standing public outcry. The petition calling on Mr Webb to remove the offensive slogans in 2014 was signed by more than 125,000 people – a clear demonstration that community standards do not tolerate violence-provoking, sexist advertising of the kind adopted by Wicked Campers. He remained defiant and persisted with his offensive advertising.

There is a major shift in national and international standards and action aimed at tackling violence against women and girls. The evidence is unequivocal: disrespect and sexual objectification of women and girls is a major contributing factor to the persistent sexual and physical violation of women and girls by men (National Plan, 2010; Queensland Special Task Force on Domestic and Family Violence, 2015). Evidence shows that exposure to objectification of women in the media can lead males to regard women as sex objects (Peter & Valkenburg, 2007); it can lead to more objectified cognitions about women and stronger attitudes supportive of violence against women (Wright & Tokunaga, 2016); and it increases the likelihood of harassing conduct by men, including sexual coercion (Galdi et al., 2013).

All parties in the Queensland Parliament have displayed welcome bi-partisan support in efforts to prevent domestic and family violence by implementing the recommendations of the *Not Now, Not Ever Report*. The current government has strengthened law enforcement and made a significant contribution to support the *National Plan to Reduce Violence Against Women and Children (National Plan, 2010)*. This has included financial support for the national community education and prevention work led by *Our Watch*.

Significant community harm results from normalising messages, such as those, on Wicked Campers. Micah Projects acknowledges that it's time for decisive action against this serial offender and any others who think this offensive advertising is ok because "it gets a laugh".

Statement of Support for this Bill

Micah Projects, incorporating the Brisbane Domestic Violence Service, urges the members of TUC and all members of the Queensland Parliament to support this Bill. The passing of this legislation will enable a clear punishment to be directed at registered operators of vehicles who display offensive advertising (as determined by Advertising Standards Bureau, Australia) on their vehicle/s.

To punish these operators by cancelling the registration of their vehicles removes the offensive material promptly and it sends a clear message to offenders that the community does not tolerate their actions.

Punishment through legislation is now required as persuasion and public shaming have not led to a cessation of the offensive advertising by Wicked Campers.

The case of Wicked Campers also highlights the deficiencies of the enforcement powers of the Advertising Standards Bureau, Australia. Micah Projects encourages the Queensland Government to continue its advocacy with the Federal Government to strengthen the enforcement powers of the ASB.

In addition, we support the Queensland Government in its efforts to seek similar measures to those contained in this Bill from State and Territory Governments so that corporate entities, like Wicked Campers, cannot simply register their vehicles interstate to avoid Queensland laws.

About Brisbane Domestic Violence Service (Micah Projects) and our Integrated Response to Domestic Violence

Micah Projects is a community based not-for-profit organisation with a vision to create justice and respond to injustice at the personal, social, and structural levels in church, government, business and society.

We believe that every child and adult has the right to a home, an income, healthcare, education, safety, dignity, and connection with their community of choice. Domestic violence is a contributing factor to harm, hardship and housing stress experienced by women in all programs that Micah Projects provides.

Therefore some form of support to overcome the impacts of domestic violence occurs in all programs, but we offer specialised domestic violence support to people through a range of support and advocacy services to individuals and families, including the Brisbane Domestic Violence Service and the new Safer Lives Mobile Service (SLMS) after-hours outreach service.

These services function as an integrated response to domestic violence across the Brisbane region. The services are funded by the Queensland Government through the Departments of Communities and Housing and Homelessness. The integrated response incorporates high level collaboration with the Queensland Police Service, Corrective Services and a wide range of other agencies. Specific services include:

- Outreach support and advocacy services to women and children, including short term counselling, case management and safety planning referral and practical assistance, rapid re- housing and safety upgrades.
- Children's counselling, referral and group work.
- Short term crisis intervention via phone and face to face.
- Establishment of men's domestic violence programs in 2016 as part of a coordinated response with courts, probation and parole.
- Case coordination and monitoring with high-risk offenders through perpetrator program and women's advocates.
- Responding to Police and other referrals with after-hours outreach and support through SLMS.
- Community awareness, education and professional development on domestic violence, its contributing factors and change that is needed to overcome domestic violence.

To date in 2016, BDVS has directly assisted 4,700 women and children aggrieved by domestic violence.

It's No Laughing Matter

It is disturbing that far too many community members think, like the management at Wicked Campers, that it is acceptable to emblazon disrespectful, violence promoting messages. These slogans appear to be justified by the company as harmless as "it gets a laugh."

There is nothing funny about Wicked Camper slogans, such as:

- "I've often wanted to drown my troubles, but I can't get my wife to go swimming."
- "We are coming for your daughters."
- "Fat chicks are harder to kidnap."
- "A wife: An Attachment you screw on the bed to get the housework done"

There is nothing funny about the direct threat to Journalist Lucy Clark who challenged Wicked Capers in a media article in 2008. According to Ms Clark: "They [Wicked Campers] painted a van with a special slogan, just for me, and sent it touring down to Byron Bay where I was living at the time. I never saw the van myself, just saw the photo a friend sent me (The Guardian 10.11.16).

The slogan said: "Dear Lucy, I can already imagine the gaffa tape on your mouth."



Photo by Martine Gudgeon. Source The Guardian November 10 2016

This constituted a provocative attack on journalist, Lucy Clark. NSW Police informed Lucy Clark that this was grounds for a charge of threatening to harm. Clark lodged a complaint with the ASB instead.

Wicked Campers have form in directly targeting prominent women who challenge them. In 2012, former Premier Anna Bligh [rebuffed the company's invitation to design her own van mural](#). During the 2012 state election campaign she was depicted on a van naked with legs spread. The van never made it on to the road after [a newspaper journalist started asking questions](#).

The Case for Legislative Action

There are two main factors that influence Micah Projects staff in our decision to support the legislative action contained in the Bill. These are: (1) the need to end the sexual objectification of women and girls through media and advertising and (2) the need to respond to the non-compliance by Wicked Campers with community standards on advertising by elevating the regulatory response to a serious punitive measure.

1. Objectification of women is harmful. We all need to be respectful.

The provisions and penalty within the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016 follow on from previous unsuccessful requests made of Wicked Campers to cease their offensive advertising. This advertising is harmful. It does not comply with community standards set by the Advertising Standards Bureau, but the ASB appears to lack the 'teeth' to enforce compliance.

Wicked Campers appear to respond to calls for their offensive advertising to be removed as trivial and unnecessary. This is totally contrary to the evidence that shows a high correlation between violent sexualised images of women, objectification of women, disrespect of women and the abuse of women. Sexual objectification is explained by (Wright & Tokunaga 2016) as:

Women are depicted as sexual objects when they are assigned the role of providing men sexual pleasure via their physical attractiveness and sexual accessibility. Objectification reduces human beings to entities. In the case of female sexual objectification, women are reduced to entities whose function is male sexual gratification.

From their research, they conclude that the more men are exposed to such depictions, the more they may think of women as entities that exist for male sexual gratification. This dehumanised perspective on women may then influence the attitudes men have toward women and sexual violence. Men who were more frequently exposed to pornography and men's magazines were more likely to perceive women as sex objects than men who were less frequently exposed to these media. These men who were more apt to perceive women as sex objects were also more likely to agree with statements such as "Sometimes the only way a man can get a cold woman turned on is to use force." (Wright & Tokunaga, 2016)

The Young Australians' Attitudes to Violence against Women (VicHealth, 2015 www.vichealth@vic.gov.au) reported very disturbing pro-violence and disrespectful attitudes among young people in Australia. For example, 20% of young people believe in relation to sex that women often say 'no' when they mean 'yes'; 39% believe that 'a lot of times women who say they were raped led the man on and later had regrets.' In 2016, the Council of Australian Governments made a national commitment to respectful relationships education for all Australian students in recognition that it is a central pillar to prevent domestic violence.

There is a clear case for government intervention to promote respect for women, respectful relationships education and to deter advertising that objectifies women. In the case of Wicked Campers, persuasion and encouragement was insufficient to deter the corporate leaders responsible for the advertising. Micah Projects accepts that this left the Queensland Government with little choice but to legislate a ban. The case highlights the deficiencies of the enforcement powers of the ASB. Micah Projects also encourages the Queensland Government in the advocacy to the Federal Government to strengthen the enforcement powers of the ASB.

2. Penalties, Persuasion, Naming and Shaming

Debate in criminology on approaches to deterrence continues. There is a view that individuals will comply with rules and regulations only when confronted with harsh sanctions and penalties (a deterrent approach). Another view is that persuasion and cooperation works in securing compliance (an accommodative model). The deterrent theories assume that individuals make rational decisions to maximise benefits to themselves. Regulatory authorities should respond by deterring them from acts of non-compliance by ensuring the benefits to be obtained through non-compliance are lower than those obtained through compliance. It follows that by handing out harsh punishment and penalties to rule-breakers this will end their offending and deter them from re-offending.

Regulatory authorities adopting the accommodative model tend to be more oriented toward seeking results through cooperation rather than by coercion (Braithwaite & Braithwaite, 2001). Consistent with accommodative models, Tyler (1997 cited in Murphy, 2008) reported that people view those authorities that treat them with respect as more entitled to be obeyed. Deterrence-based enforcement strategies, and unreasonable decisions by regulators can sometimes lead to overt resistance to the law and further non-compliance behaviour. Braithwaite and Braithwaite (2001) argue that such feelings of hostility increase the probability of defiance and non-compliance exhibited by the offender in the future.

In the first instance, the approach to the non-compliance by Wicked Campers to ASB standards and community outcry aligned more with an accommodative model, rather than a deterrent model. It seems reasonable to assume that the costs of removing the offensive advertising was far greater for Wicked Campers than any cost to reputation associated with the Government or public action. The company chose inaction.

It is argued that 'naming and shaming' can be a useful deterrent for some crimes (Braithwaite & Drahos, 2002; Kahan & Posner cited in Murphy, 2008). It is claimed to be a bad policy for crimes of the powerless and vulnerable (such as children) yet it can be a strategic policy with corporate or organisational crime. This is due to the reputation and financial costs to corporations that result from 'naming and shaming'. A two-step processes of public naming and shaming of organisational responsibility while simultaneously demanding individual responsibility from leaders is necessary (Braithwaite & Drahos, 2002).

Given the track record of inaction by Wicked Campers it seems that a combination of measures is required. The company appears unmoved by 'naming and shaming.' In seeking a model responsive to tax evaders, Braithwaite & Braithwaite (2001) argued for a successive strategy that began with the low-cost option of persuasion and escalated to more deterrence-oriented options (and ultimately to incapacitation) as less interventionist strategies successively fail. There are similarities between the failure of corporations to comply with Australian Tax Office rulings and the non-compliance of Wicked Campers with the ASB than can inform the actions in this Bill.

The ban and vehicle de-registration as outlined in this Bill is a legitimate and responsible action by government as persuasion failed. A primary determinant in the sentencing of offenders is the principle of proportionality (Bagaric & Alexander, 2014). The harm perpetuated by offensive advertising is difficult to measure, yet de-registration for non-compliance seems proportionate to the offence – particularly given that the entity responsible has the time and opportunity to simply remove the offensive advertising. The de-registration impacts swiftly on the financial operating position of the corporate entity and it can serve to undermine public confidence in Wicked Campers. Although Wicked Campers, on their record in 2010, do not appear to be concerned that erosion of public confidence is anything other than short term. Wicked Campers sought to avoid government attempts to inspect the compliance of their vehicles to safety and mechanical standards by voluntarily removing most of their fleet from service for a short period.

As with the ATO approach, it may be prudent for the Parliamentary Committee to determine whether serious direct financial penalties might also apply in this Bill to strengthen the compliance and deterrent aims of the Bill. The New Zealand Government applied severe financial penalties targeted at Wicked Camper slogans that featured children.

It may be possible for Wicked Campers to shift their fleet and register the vehicles interstate to elude the Queensland Government ban. Micah Projects encourages the Queensland Government to seek a national uniform response from all State and Territory Governments, and the Federal Government.

Micah Projects is satisfied that even though the Bill will infringe on the freedom of individuals, the Queensland Government has sufficient safeguards in the Bill. For instance, advertisers will be given notice of any proposed de-registration and time to remove the offending ad.

Concluding Comment

There is no place for the kind of offensive advertising and provocative attacks on detractors, displayed by Wicked Campers, in a community that is determined to reduce violence against women and children.

Micah Projects commends the Hon Mark Bailey MP, Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply for introducing the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016 into the Legislative Assembly.

We urge all members of the Queensland Parliament to take decisive action in supporting this Bill. We urge members of TUC to adopt the actions in our statement of support for this Bill.

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