



Speech By  
**Hon. Mark Bailey**


**MEMBER FOR YEERONGPILLY**

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Record of Proceedings, 8 November 2016

**TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) (OFFENSIVE  
ADVERTISING) AMENDMENT BILL**

**Introduction**

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (12.42 pm): I present a bill for an act to amend the Transport Operations (Road Use Management) Act 1995 for particular purposes. I table the bill and the explanatory notes. I nominate the Transportation and Utilities Committee to consider the bill.

*Tabled paper:* Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016 [\[2018\]](#).

*Tabled paper:* Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016, explanatory notes [\[2019\]](#).

I am pleased to introduce the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016 to the Queensland parliament. The aim of this bill is to ensure that vehicles that are registered in Queensland are not driving around with sexist, obscene or otherwise offensive advertising displayed on them.

Advertising on the sides of vehicles is visible to all other road users. Unlike some other forms of advertising, people cannot simply switch it off or turn the page if they find it offensive or if they would rather their children were not exposed to it. If they are following a vehicle that has some offensive advertisement on it, it can be very difficult to avoid.

It is true, of course, that the overwhelming majority of advertising that appears on vehicles is perfectly acceptable and is a legitimate means to advertise a business. There has, however, been some longstanding community concern about the sexually explicit, misogynistic or otherwise offensive images and slogans that appear on some vehicles, particularly vans. That concern has been growing.

In response to that concern, in July this year, the Attorney-General and Minister for Justice and Minister for Training and Skills announced that the government would introduce legislation to regulate offensive advertising on vehicles. Complaints about offensive advertising are currently made to the Advertising Standards Bureau, or the ASB as it is known. The ASB applies a well-respected process, based on international best practice, for considering and resolving those complaints.

Three features of that process are notable. Firstly, the process is based around the Australian Association of National Advertisers' Code of Ethics, which seeks to ensure that advertisements are, amongst other things, decent and truthful. For example, the code requires that advertising does not depict material in a way that is discriminatory; that sexual appeal should not be employed in a way that is degrading to any individual or group; and that sex, sexuality and nudity should be treated with sensitivity relative to the audience.

Secondly, the assessment of complaints is handled by the Advertising Standards Board, which is made up of 20 people that represent the diversity of the Australian community. Members of the board are individually and collectively independent of the advertising industry. Thirdly, the ASB's process provides procedural fairness, as an advertiser is able to respond to any complaints made about their ad before the board makes a determination, and a review is available if the advertiser—or the complainant—does not agree with the board's determination.

In the vast majority of cases, where the ASB makes an adverse determination about a particular ad, the advertiser either withdraws the ad or modifies it to remove the offensive aspect. This self-regulation model works extremely well but it does rely on the cooperation and support of industry. If an advertiser chooses not to comply with an adverse determination then there is no power for the ASB to enforce it. The bill I am introducing allows further action to be taken where an advertiser ignores a determination made by the Advertising Standards Board.

Specifically, the bill provides that Queensland vehicle registration holders who fail to comply with an Advertising Standards Board determination will face the prospect of having the registration of the offending vehicle cancelled. These amendments have received widespread support in the media, including from the RACQ, the Advertising Standards Bureau and the peak advertising industry body, the Australian Association of National Advertisers.

The bill delivers on the government's commitment in a measured, fair and pragmatic way. The provisions are only activated once the ASB's process, including any review, has been completed and the ASB has notified the Department of Transport and Main Roads that an adverse determination has been made against a Queensland registered vehicle.

Even after the department is notified, however, the registration will not be automatically cancelled. The department will provide written notification to the registered operator of the vehicle that the registration may be cancelled on the date stated in the notice. That date will be at least 14 days from the date of the notice.

Importantly, the deregistration will not proceed, however, if the advertiser resolves the matter with the ASB by modifying or removing the advertisement. When that happens, the ASB will withdraw its notification to the department and the deregistration will not occur. The registered operator is given fair warning of the proposed deregistration and is given a further opportunity to remove the ad and keep operating the vehicle on the road.

I should state very clearly for the record that the objective of this bill is not the cancellation of vehicle registrations. What the bill is designed to achieve is the removal of offensive images and slogans from the sides of vehicles. However, ultimately, if the advertiser refuses to remove the advertisement, the registration will be cancelled. Once a registration is cancelled, the vehicle cannot be used on any Australian roads until it is reregistered. However, the bill adopts a fair and practical approach. If, for example, the vehicle in question is a hire vehicle and it is out on hire, the chief executive of the department, or his or her delegate, will be able to delay cancellation for a reasonable period to avoid inconvenience to any customers.

To ensure these new provisions cannot be circumvented by registered operators, the bill also includes provisions to ensure that, after the department has issued a notice of proposed deregistration, the vehicle cannot be transferred to another registered operator. There will also be no refund of registration fees if the vehicle is ultimately deregistered, and the person will not be able to reregister the vehicle in Queensland unless they provide a statutory declaration that the offending advertisement has been removed.

Underpinning these amendments is the commercial imperative of all businesses to keep their vehicles on the road and to avoid adverse public comment from their customers. The ASB's process, together with the new process contained in this bill, ensures that there are multiple opportunities for advertisements to be removed from vehicles. The bill provides considerable motivation for offensive advertising to be removed voluntarily but also provides concrete follow-up action where an advertiser refuses to remove an ad. The legislation will not impact on the overwhelming majority of vehicle advertising but is targeted at only the worst examples that have no place whatsoever on our roads. I commend the bill to the House.

### **First Reading**

**Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (12.50 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Transportation and Utilities Committee**

**Madam DEPUTY SPEAKER** (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Transportation and Utilities Committee.