




Speech By
Christopher Whiting

MEMBER FOR MURRUMBIDGE

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

 **Mr WHITING** (Murrumbidgee—ALP) (3.49 pm): I stand to speak in support of the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016. I do so because it is clear from our committee processes and report that this bill has widespread support and it is clear that many of the submitters also support this bill.

One thing we can glean from these public submissions is that people approve of what we will achieve with this bill and they want the powers in this regard to go even further. Some submitters say they applaud the action targeting misogynistic and offensive advertising on vehicles, but they want the offensive advertising in other places to be addressed—for example, in shopping centres and outdoor advertising. Some submitters wanted a tougher code of ethics against which to judge offensive advertising, thereby eliminating more of it, and questioned whether the ASB's code of ethics is rigorous enough. Other submitters wanted the offending advertising removed in a quicker fashion. One submitter wanted this bill to focus only on material that was potentially inappropriate to children. They believed that material that was racially or otherwise offensive should not be the subject of this legislation. We have popular legislation that a variety of groups strongly support. It is clear that they want it to go further to address their particular concern. I take that as a positive sign. This bill will deliver real benefits for the broader society, not a specific benefit to only one segment of society.

Another thing which I think is noteworthy in this bill is that we are relying on self-regulation to deliver action as part of this bill. I believe that is appropriate, and that has been shown in the report and the submissions. The Advertising Standards Bureau and the Advertising Standards Board manage the complaint adjudication process under this bill. They stated that they have a quick, transparent and efficient way to deal with complaints about advertising. In their testimony we heard they believe they have a good record in self-regulation. It was pointed out in testimony that in the five-year period between 2011 and 2015 there was an overall decline in complaints about outdoor advertising. They reported reduced complaints about billboards from 26 per cent of all complaints to just over three per cent of all advertising complaints.

We heard that there is a high level of compliance with the board's decisions regarding advertising. The board has a record of 97 per cent compliance with its decisions over the past five years. They said it would be 99 per cent if you took away one particular troublesome customer. I found particularly interesting testimony from DTMR, which stated that the ASB is far more capable in making decisions about moral standards than what the department is. I think that is a very important point to note.

In assessing cases of offensive advertising brought before it, the Advertising Standards Board will make a determination. The chief executive of DTMR can then cancel the registration of the vehicle. We have heard a bit today about cancelling the registration of vehicles. Members of the committee feel that is an effective action. It does impose cost, and it does require time and effort to rectify that situation.

The committee considered the issue of rights of review. The Queensland Law Society had concerns that the Standards Board is not a public entity and that the process should be subject to judicial review or appeal to a court. However, what was made clear is that there are robust processes which surround the cancelling of registration. The chief executive of DTMR can withdraw the cancellation of registration if the Standards Board withdraws its breach notice—that is, if the advertisement is removed.

The ASB can carry out a review by an independent reviewer if requested. The chief executive of DTMR will make a decision only after a review has been completed. Further, the report from the committee shows that there is precedence in relying on an external body for assessment. For example, the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010 requires compliance with a large number of standards set by non-government bodies. The Body Corporate and Community Management Act 1997 is legislation that provides for enforcement of a decision by a non-government body.

There is a third item of note stemming from the report and hearings and it reflects what has been mentioned so far by the members for Kallangur and Southport. I note with interest the link drawn by many submitters between misogynistic advertising and the treatment of women in our society, specifically the rate of family and domestic violence. I listened carefully to the causal links they were drawing and I have to say that I think they made their case well. Ms Modini from Micah Projects stated the following—

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. If we are to fully commit to the recommendations of the *Not now, not ever* report, this is a no-brainer. We cannot sit on the fence while women are threatened and objectified by these slogans, because research clearly shows that normalising these things promotes violence against women and children and death in some cases.

As I said, It was not a link that I directly considered before I heard this evidence, but I know that we should accept what we have heard as part of this.

Finally, I want to say that I appreciate the bipartisanship shown by committee members on this bill. The report notes that there was a report to the former LNP government in 2014 which recommended a co-regulatory approach to advertising complaints management with government enforcement of Advertising Standards Board decisions. There is a history leading to the approach that is embodied in this bill. It is clear that we all want this bill passed—that is, parliamentarians, stakeholders and the public. I look forward to seeing this bill swing into action. I commend this bill to the House.