




Speech By
Joan Pease

MEMBER FOR LYTTON

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

 **Ms PEASE** (Lytton—ALP) (4.00 pm): I rise to speak in support of the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016. The aim of the bill is to ensure that vehicles registered in Queensland are not driving around with sexist, obscene or otherwise offensive advertising displayed on them. This bill was endorsed unanimously—and I will repeat that: unanimously—by both sides of the House. Therefore, it is a surprise to come in here today and hear non-government members speaking against the bill, particularly committee members who endorsed the report and the bill.

I am not easily offended, although I am a little bit offended by the behaviour in here today of the non-government members of the committee. I am broad-minded, I can take a joke and I love to see the humour in things. However, I have been appalled by the offensive messaging of a Queensland based van hire business's advertising on their motor vehicles. These moving billboards are not funny or clever. They are, however, inappropriate, sexist and downright offensive. I certainly find some of the content offensive and I know that many others feel the same. I found it difficult to explain to my elderly mother when she was alive and to my children why this business could use such offensive language, what was its purpose and what did they possibly hope to achieve.

Advertising on vehicles is like outdoor advertising and is generally regarded as a very effective marketing and communication tool. Advertising on vehicles is viewed in the public domain—on the road, in car parks, campgrounds and driveways and parked on the side of the road. In fact, anywhere that a motor vehicle can go, the advertising goes with it. Therefore, it has the potential to reach a large number and wide range of people, including children. However, unlike other forms of advertising, this form of advertising is visible to all consumers at all times, which means that exposure to this type of advertising cannot be avoided; it cannot be turned off; the page cannot be turned. It is there on the road, in a camping ground, in a shopping centre right in front of us and unless we close our eyes, it cannot be avoided.

Advertising, including advertising on vehicles, is self-regulated by the advertising industry. The Australian Association of National Advertisers has developed the code of ethics with which the advertising industry voluntarily agrees to be bound. These rules are detailed in a number of codes and industry initiatives that are based on the belief that advertisements should be legal, decent, honest and truthful and should be prepared with a sense of obligation to the consumer and society and with a sense of fairness and responsibility to consumers.

While most advertisers do the right thing, there are occasions when advertisements are placed on vehicles that are sexist or that are discriminatory or otherwise offensive to members of the community, including me, my family and my community and, I suggest, many people in this room. Unfortunately, a particular Queensland van hire rental business is widely known across the world for

having inappropriate and crude slogans on their vehicles. It has been the subject of several complaints to the Advertising Standards Bureau and has been the focus of community-led campaigns, run by people who have been appalled by this advertising, to remove such slogans from their vehicles.

Public awareness and outrage about these slogans became widespread following a campaign against this business in 2014 when a Sydney mother noticed a slogan on a van that began with 'In every Princess'—I will not continue with the slogan as it contains not only an offensive word but also an offensive statement. A petition with 127,193 signatures was presented to the business in question. This prompted an apology, the removal of the slogan in question and a commitment by the business over the coming six months to change slogans of an offensive or insensitive nature.

As I mentioned earlier, advertising on vehicles is self-regulated. It is also visible to road users and others and cannot simply be turned off. In response to the longstanding community concern about sexually explicit, misogynistic and otherwise offensive images and slogans, the Attorney-General and Minister for Justice and Minister for Training and Skills, the Hon. Yvette D'Ath, announced that the government would introduce legislation to regulate offensive advertising on vehicles.

Complaints about offensive advertising are currently made to the ASB. It is a well-respected process based on international best practice for considering and resolving these complaints. Three features of the 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. Further, 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, there is no power for the ASB to enforce it.

The Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016 allows further action to be taken where an advertiser ignores a determination made by the Advertising Standards Board. The bill will allow the chief executive of the Department of Transport and Main Roads to issue a notice to the registered operator advising of the intention to deregister the vehicle on a stated date—that will be at least 14 days after the notice is issued—unless the ASB withdraws the notification. Further, it will allow the chief executive officer to exercise discretion to delay deregistration of a vehicle for a reasonable period if, for example, the vehicle is out on hire at the time of the proposed deregistration. The bill also ensures that a registered operator cannot transfer the vehicle registration to avoid deregistration and allows the chief executive to cancel the registration if the advertisement is not removed within the time frame.

The bill will also ensure that the registered operator is not entitled to a refund of the registration fee after the registration is cancelled. It will further ensure that a person cannot reregister a vehicle after it has been deregistered unless there is a statutory declaration verifying that the advertisement has been removed. These amendments will encourage advertisers to modify or remove offensive advertising on vehicles, and the amendments allow sufficient time and warning for this advertising to be removed to avoid deregistration.

The committee received 11 submissions and they received a briefing from the Department of Transport and Main Roads and held a public hearing on 30 November to which stakeholders were invited to attend. I would like to thank all of those who made a submission and attended and gave evidence at the public hearings. I would also like to thank the chair, Mr Shane King, the member for Kallangur—

Mr Pearce: A great chair.

Ms PEASE: He is indeed. I will take that interjection. I thank the chair, Mr Shane King, for his excellent stewardship of the committee, my fellow committee members and also the wonderful work of the secretariat, who display impeccable professionalism and efficiency at all times.

This bill provides considerable motivation for offensive advertising to be removed voluntarily. It also provides concrete follow-up action where an advertiser refuses to act to remove an ad. The legislation will not impact the overwhelming majority of vehicle advertising and targets only the worst examples that have no place whatsoever on the roads. As a woman, a mother and, importantly, a road user and community member, I am thrilled to see action being taken to ensure that vehicles registered in Queensland are not driving around with sexist, obscene or otherwise offensive material displayed on them.

I am proud to be part of the Palaszczuk government—a government that, as the Premier said this morning, has in the past two years delivered 442 commitments of the 553, which is 80 per cent of our commitments, and they have all been delivered 66 per cent of the way through our three-year term. I commend the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016 to the parliament.