




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (5.34 pm): It is my absolute pleasure to stand and speak in support of this bill today. I support the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016. The Palaszczuk government is committed to removing offensive advertising from our roads and ensuring that advertising is reflective of community standards. I want to thank the Minister for Main Roads for his cooperation and partnership in finding a way through this issue and finding a solution—something that was not able to be done in the past.

Many people across the community have been concerned for some time about the derogatory, sexist and outright offensive slogans and cartoons on the side of some commercial Queensland vehicles. The Palaszczuk government is leading the country in taking action on this issue and has developed an innovative way that provides an enforcement mechanism to the chief executive of the Department of Transport and Main Roads regarding decisions made by the independent Advertising Standards Board. This approach will ensure that concerns of the community, which are validated by the standards board, have an impact. Figures reported by the Advertising Standards Bureau suggest that the current self-regulatory approach to advertising in Australia works well in general, with the majority of advertisers complying with decisions made by the standards board. There were some notable exceptions. Some operators thumbed their nose at the ASB and continued to decorate vehicles with slogans that are offensive and promote outdated, negative and misogynistic attitudes towards women and girls.

The amendments in the bill before the House are fair and balanced. They provide an opportunity for input from the community as well as ensuring procedural fairness for vehicle operators. I want to take a moment to explain how this bill will work and how this solution came about, because I have heard those on the other side beating their chests in this debate saying that they did the inquiry when in government, they did all the leg work, they provided the government response and started drafting the legislation and we simply came along and introduced that legislation. However, that is not exactly what occurred.

This will work in relation to outdoor advertising. Outdoor advertising covers a broad spectrum including any advertising done outdoors that publicises the products and services of a business. Methods of outdoor advertising can include billboards, posters, bus shelters and exteriors of buses, taxis and company owned vehicles. The outdoor advertising industry in Australia is currently self-regulated and fully self-funded by industry with no legislative basis. The system of self-regulation is led by the Australian Association of National Advertisers—the AANA—which publishes a code of ethics for advertisers. Complaints about breaches of the code are made to the Advertising Standards Bureau and determined by the Advertising Standards Board, an independent board comprising 20 people representing the diversity of Australian society who have a range of experience and skills and have an interest and views in advertising and community standards.

The Outdoor Media Association is the industry body for outdoor media companies and production facilities. It endorses the AANA code and supports all decisions made by the standards board. To promote compliance, the OMA code of ethics incorporates the AANA code. These industry advertising bodies are not regulated by government and have no legislative basis.

In response to a petition launched by the Australian Christian Lobby on 17 April 2013, the Legislative Assembly referred an inquiry into sexually explicit outdoor advertising to the former health and community services committee. The committee report was tabled in the Legislative Assembly on 31 January 2014. The committee inquiry focused on whether reform was needed to protect children from exposure to sexually explicit and inappropriate outdoor advertising.

The committee found that the current system of self-regulation in the advertising industry generally works well because the majority of advertisers—99.6 per cent—cooperate with the Advertising Standards Board and remove or modify inappropriate advertisements. However, the inquiry highlighted a gap in the system where a small number of advertisers do not cooperate. Most of the inquiry's recommendations were addressed to the advertising industry to improve current practices. One recommendation directed to the Queensland government was that legislation be introduced to establish a co-regulatory approach to outdoor advertising, including government enforcement of standards board determinations. The former government's response to the committee report was tabled on 31 July 2014, and that response said that it accepted recommendation No. 1 in principle. It went on to state—

The Queensland Government is committed to ensuring that there is no increased regulatory burden for the advertising industry and businesses that advertise in Queensland.

However, the Queensland Government is prepared to support the industry self-regulation system so that advertisers who do not comply with determinations by the Advertising Standards Bureau board to remove offending advertising are penalised.

It goes on to state—

The Queensland Government will investigate enforcement options to penalise advertisers that do not comply with the determinations of the Advertising Standards Board.

In fact, the former government did not adopt the recommendation to establish a co-regulatory system and, whatever investigations were conducted by the previous government, they did not reach a conclusion on a model that would work and they did not start drafting a bill. I am not critical of the former government for that, because the reality is that state and federal governments have really struggled with this issue of trying to find a solution over the years. I do take issue with those who have stood up today and simply said that the previous government had already accepted the recommendations, drafted the legislation and we have just come in and introduced it, because that is just not true.

I am pleased that we were able to think outside the box. Knowing that the co-regulatory system was not necessarily going to work, the question was what could we do to deal with this. I sat down with the head of the Advertising Standards Board and asked, 'Where are the key issues?' They said that they had significant compliance but that the issue is predominantly around commercial vehicles. We thought, 'What can we do to enforce compliance on commercial vehicles?' That is when we came up with the idea that maybe there is a mechanism through vehicle registration. On 21 July 2016 I announced the government's intention to introduce legislation by the end of 2016 to provide that vehicle registration holders who fail to comply with the Advertising Standards Board's determinations will face the prospect of having the registration of offending vehicles cancelled.

I am very pleased that this proposal has received widespread support in the media, including from the RACQ, ASB, AANA, Wicked Pickets, a community action group, and the Australian Christian Lobby group. I thank all of those people who have supported this initiative. It is a unique initiative. It is one that is being looked at very closely by other jurisdictions right across this country, and other states have indicated that they are looking at potentially developing this legislation in their own state. I do believe that it is an initiative we need to see rolled out in other jurisdictions, because we know that this is only part of the solution. If vehicles are registered in other jurisdictions there is still the risk that those vehicles will be on our roads.

I am very pleased to say that in recent times I have had very positive feedback from people who say that they are seeing a lot less of these offensive slogans on the road. I hope it is a sign that the owners of these vehicles recognise that the writing is on the wall and they are starting to change their messaging already.

Mr Costigan: We'll see.

Mrs D'ATH: If they do not, it will be enforced. I hear the member for Whitsunday saying, 'We'll see.' It is worth trying. It is worth doing something because these slogans are offensive. Everyone has had enough. Importantly, this is not about any one politician in this place deciding what is offensive or not based on his or her own personal views. This is the decision of a body that oversees the Advertising Standards Board.

Mr Costigan: Go ask the people!

Mrs D'ATH: The member for Whitsunday says, 'Go ask the people!' I have not had one person come up to me and say that this is a bad idea. If the member for Whitsunday does not support this bill that is fine, but I am pretty sure there is bipartisan support across this chamber. We have had enough of these vehicles with these offensive messages. I support this bill. It is a great initiative. I hope that other jurisdictions will follow because it is about time we get these vehicles off the roads.