



HEALTH AND COMMUNITY SERVICES COMMITTEE

Members present:

Mr SA Holswich MP (Acting Chair)
Mrs JR Miller MP (Deputy Chair)
Ms RM Bates MP
Dr AR Douglas MP
Mr JD Hathaway MP
Mr DE Shuttleworth MP
Mr IM Berry MP
Mr PW Wellington MP

Staff present:

Ms S Cawcutt (Research Director)
Ms L Archinal (Principal Research Officer)
Ms K Dalladay (Principal Research Officer)
Mr K Holden (Principal Research Officer)

PUBLIC HEARING—INQUIRY INTO SEXUALLY EXPLICIT OUTDOOR ADVERTISING

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 21 AUGUST 2013

Brisbane

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Committee met at 9.13 am

LISZEWSKI, Ms Melinda, Collective Shout

ACTING CHAIR: Good morning everyone and welcome. I declare this public hearing of the Health and Community Services Committee open. My name is Seath Holswich. I am the member for Pine Rivers and I am the acting chair this morning, standing in for Mr Trevor Ruthenberg, the member for Kallangur, who is unable to attend. Other members of the committee this morning are Mrs Jo-Ann Miller, the member for Bundamba and deputy chair; Ms Ros Bates, the member for Mudgeeraba; Dr Alex Douglas, the member for Gaven; Mr John Hathaway, the member for Townsville; Mr Dale Shuttleworth, the member for Ferny Grove. Mr Jon Krause, the member for Beaudesert, has also given his apologies for this morning. We will also be joined a little bit later this morning by Mr Ian Berry, the member for Ipswich, and Mr Peter Wellington, the member for Nicklin, who are the chair and the deputy chair respectively of the Legal Affairs and Community Safety Committee. That particular committee is currently examining a private member's bill about the regulation of billboards. The Health and Community Services Committee has given leave for Mr Berry and Mr Wellington to attend this hearing and to ask questions of witnesses this morning.

This hearing is part of the committee's inquiry into sexually explicit outdoor advertising. The committee has received written submissions and has already heard from some witnesses on 7 August. The transcript of that hearing is available on the committee's web page. Today we will hear from an additional six witnesses. I remind those present that these proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. Under the standing orders, members of the public may be admitted to or excluded from the hearing at the discretion of the committee. I would ask that mobile phones and other electronic devices be now turned off or switched to silent. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. Hansard is making a transcript of this morning's proceedings and the committee intends to publish the transcript of today's proceedings unless there is good reason not to.

I would like to welcome our first witness this morning, Ms Melinda Liszewski from Collective Shout. Ms Liszewski, I would invite you now to make an opening statement of up to 10 minutes, which will then be followed by questions from the committee.

Ms Liszewski: Firstly, thank you very much for the opportunity to participate in these hearings. Just to briefly introduce Collective Shout, we are a grassroots campaigning movement challenging the sexualisation of children and the objectification of women in our culture. Our organisation began as a response to the growing body of evidence surrounding the sexualisation of children in particular and the harm that children and young people are facing. The sexualisation of children and the objectification of women we see as linked. Children are sexualised. Girls grow into women. Then there is objectification, continual reinforcement of physical appearance as being what is most important. Advertising features narrow beauty ideals, airbrushed images, a very limited range of body types. Advertising directed towards women in particular is aimed at creating an anxiety about physical appearance. This kind of advertising is creeping earlier into childhood.

Our organisation is concerned about how this manifests in all forms of media. There is television, there is even radio, there are magazines, music. These are all important issues. Outdoor advertising is of particular concern, because while parents, guardians and schools are struggling with how to manage media and children's exposure to media in all of these other areas, with outdoor advertising there really is no option. It is there. It is on a billboard. It is on the side of a building. It is on the back of a bus. There is really nothing you can do about it. It cannot be switched off and it cannot be avoided. In our submission we did talk about how body image is becoming the No. 1 concern.

In the last few Mission Australia surveys body image was ranked among the top three. That does not seem to be getting any better. Negative body image is connected with depression and anxiety and can lead to eating disorders. Eating disorders are a very complex illness and certainly do not have one cause, but there is a connection between reinforcing physical appearance as being what is most important and disordered eating behaviours. These are serious conditions and are very difficult to treat.

We talk about these harms to girls and often it seems as though these harms are not taken seriously. They are almost seen as a rite of passage—that this is just what girls go through. We would say that it does not have to be this way. We can do something about it. When we are thinking about how to regulate outdoor advertising, which is the medium that we do not have a choice about, we need to be thinking of the most vulnerable among us, who are our young people. Young people grow into adults and we want our young people to grow into functional adults with a good sense of self-worth. We want sexuality to develop naturally without this unnecessary imposition from advertisers.

I want to make a comment on the term ‘sexually explicit’. Often when people hear the term ‘sexually explicit’, they will be thinking of pornography where there is a significant level of nudity involved or sexual activity. Often when there are decisions made about advertising, the level of nudity does come into question. ‘Are the nipples exposed?’ is one question that comes up and ‘How much of the person’s body can you see?’ But I would like to say that an ad can be sexually explicit even without nudity. The meaning, the message and the intention of the ad is what can make it sexually explicit. An example of this is a recent advertisement that went up around Brisbane boys grammar school in Brisbane. This is around major intersections. The advertisements were visible when within the school—so from within the classroom window—and there was also a very large billboard outside the school. So students getting off the train or the bus would have to walk past this to get into the classroom. This ad was deemed to be okay by the Advertising Standards Board. It was described as not sexualised.

I believe you have already had a PowerPoint presentation from Wendy Francis who showed quite a lot of images. You may have already seen this one. I will just hold it up. This is of the billboard. I believe the determination that happened previously in 2012 decided that it was not a sexualised image. This is an ad for an adult club. It is a strip club. It features the image of the lower half of a woman’s body. So we have an objectified image. Her body is seen to be dripping with honey and this is described as not sexualised. This is visible from within the school grounds. It has a web address. So if boys go to visit this website, they are going to find out how they can visit all three of Brisbane’s hottest clubs at once for a reduced cost. Obviously, teenage boys are not legally permitted to enter a strip club but the advertising is targeted towards boys who will be graduating and who then can enter that strip club. Girls visiting the website can find out about how they can get some great employment opportunities. These venues are fun and great to work at, according to the website. So this is one example of an ad that I would say is sexually explicit without employing the use of nudity.

Another example—it is a bit difficult to see—was taken from my car. I was a passenger at the time. It is Love and Rockets and the text says, ‘You deserve it.’ It has a picture of a woman’s face and it has a rocket heading towards her face. Love and Rockets is a strip club owned by the same owners.

ACTING CHAIR: Ms Liszewski, can we get that particular photo tabled, because the committee has not seen that one before. So if you are happy to table that?

Ms Liszewski: That ad has a woman’s face. It does not feature her body parts. It does not feature any text with the word ‘sex’ or any of those words that would raise the red flags among people. But it has a very sexually explicit message—‘You deserve it.’ What is it saying that the person deserves? The answer to that question is sexually explicit. This is an ad for a strip club. This is reinforcing men’s entitlement to women’s bodies. This is reinforcing essentially what is prostitution.

Love and Rockets has had ads dismissed in 2009. These are different graphics from that one, but similar in style. Again, they are not sexually explicit in terms of nudity but they have that ad for Brisbane’s hottest club or whatever text they are using. An ad in 2010 was dismissed. These are ads that I believe were placed again around Brisbane boys grammar. The response in the determination was that all passers-by would see that the women are fully clothed, again ignoring the fact that this is an ad for an adult club placed in the public space around schools. This most recent ad—‘You deserve it’—was near the airport.

Our organisation receives correspondence from people all the time about outdoor advertising. One of the things that continually confounds people is, firstly, what they can do about it. They have seen an ad. They do not know what to do. We are happy to advise them that they can make a complaint to the ad standards board. Once people have made complaints to the ad standards board and have had their complaints knocked back, they are reluctant to go through that process again. We will still push them to do that. We say, ‘You need to get your complaint on the record so that there is accurate data on which ads are being complained about and what the content of the ad is.’

People are still reluctant. People are busy. They have better things to do with their time. Why would they go through a complaints process where they are pretty certain that they are going to get knocked back? I know that when I make a complaint to the ads standards board I am pretty accurate with thinking in my mind as to which ones are going to be upheld and which ones are going to be dismissed. I am shocked if the complaints that I make are upheld.

The most recent ad to show up near my house is another AMI billboard. These had a lot of media attention—‘Want longer lasting sex.’ They were around, I believe it was, in 2007 when they first came out. They were originally approved and then they were banned I think a year later. So all that year we have had that advertisement being deemed okay by the ads standards board. Then it was banned. Then they put up the ad again with different text and varying levels of crude text associated with the AMI ads. One of them was, ‘Hold your load.’ I believe that was on the Sunshine Coast and I am pretty sure that complaint was upheld as well. The most recent one here is, ‘Make it bigger and last longer.’ This is on the main road. This is near schools. When I say ‘near schools’, schools are everywhere. Even if ads like this are not near a school, where do children not go? Children are in cars with their parents. Children should be able to occupy the public space wherever they go. So even if there is not a school where the HoneyB’s ad was in Brisbane, even if Brisbane boys grammar was not there, people going to the Roma Street Parkland should be able to go past that area without being exposed to advertising.

ACTING CHAIR: Ms Liszewski, can we also get that one tabled with the leave of the committee?

Ms Liszewski: Yes.

ACTING CHAIR: It has not been seen by the committee before. Can I also just get you to wind up your opening statement and we will go to questions.

Ms Liszewski: Sure. Just to finish on that issue, I have made a complaint to the ads standards board. I do not know what the outcome is yet. That was only on 29 July when I made the complaint and it has come down now. There is now a bank ad there. So even if the ad standards board does come back and says that that ad is not appropriate and should not be used, what consequence is there? There is no penalty for that advertiser. They will simply come up with another crude statement to put on their AMI ads in future and around and around we will go.

To conclude, this is an ongoing problem. There have been a number of inquiries relating to the sexualisation of children and there was the federal inquiry into outdoor advertising. There were recommendations made, but there seems to be no changes. We do not want this to be a wasted opportunity to make changes. This is an advertising medium where parents do not have control over it. Schools do not have control over it. There needs to be controls brought in by government. It is unfair to continually expect the public to use their time to be making complaints that are knocked back. I believe that a penalty needs to be introduced for advertisers that continue to break the rules.

I just want to finish with one example of how effective a penalty is. As I said, we campaign against different forms of media and those include products. We have in the past campaigned against a youth retailer selling T-shirts with highly sexually pornographic representations of women on the shirts. These are shirts that have a web address on the tag, which is a pornographic website. We had campaigned against this store for a long time. They kept knocking us back. They were not interested. At one stage one of those shirts featured an image of a woman smoking. So I thought, ‘I will make a complaint about the fact that it is advertising smoking.’ So I got in contact with the health department who looks after tobacco. I was sent a letter saying that they had contacted the retailer in question. The shirt was taken down immediately because the threat of a \$66,000 fine was there. So these advertisers are not going to move if there is no penalty.

ACTING CHAIR: Thank you very much. We appreciate that opening statement. We will move into questions from the committee. I will just kick it off. You talk about the Advertising Standards Board and you talk in your submission about it lacking any real power to enforce its determinations.

Ms Liszewski: Yes.

ACTING CHAIR: What powers would you like to see that board have?

Ms Liszewski: The issue at the moment is that there are no powers. There are a number of examples where stubborn advertisers refuse to move their signage. There is no power to enforce that. This raises the question, ‘You would have to get police enforcement to, I imagine, force advertisers to take down their signage.’ I am unaware of any legislation that actually allows that process to take place, but enforcement, as I said earlier, might mean penalties. I am not exactly sure how that would work out, because as much as enforcement needs to take place and that
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would involve police, most people would agree that police attention should probably be reserved for other things other than having to continually monitor companies not willing to take down their advertising.

Dr DOUGLAS: Thank you. That was a good presentation, Melinda. What percentage of signs do you think this involves, in rough terms? It does not have to be based on some quantitative research.

Ms Liszewski: In terms of the percentage of ads that are a problem in terms of sexually objectifying women—I would be guessing. On the way here this morning I saw a wide range of advertising. Most of them did not depict women in sexualised ways. Most of them were not sex industry advertising. But, again, there is a lot of advertising out there. So in terms of percentage I would say it is probably small. But advertising that reinforces sexual appearance as being most important and that reinforces really narrow gender stereotypes does have an impact on young people, and that has been well documented through research around the world. That needs to be addressed.

Dr DOUGLAS: You mentioned some examples. Clearly the point you are making is that there is the problem of frequent flyers in this area—that is effectively what you are saying—and that primarily the problem of dealing with the frequent flyers is the mechanisms. The penalties are not there. Do you think the problem is growing? Are you saying it is growing or is it just that when it started it did not seem to either decline or rise?

Ms Liszewski: Collective Shout has been around since 2009 and we have seen an increase in people contacting us about outdoor advertising. I think the nature of outdoor advertising, with the examples that I have shown, is getting worse. Sex industry advertising seems to be more brazen than it has been in the past. I do not recall growing up and seeing strip clubs displayed so prominently in the public space. I think this is part of the growing problem of a sexualised culture more generally. As I mentioned, there are other forms of media. The internet has been a huge problem for monitoring the exposure of explicit material to children. A lot of the times this outdoor advertising is cross-referencing with other promotions. One example is that there was a shopfront window for an underwear store and it was advertising the Mossimo Peepshow. That was tied in with an online campaign through Facebook, encouraging people to upload images of themselves on the internet. It is referencing pornographic themes. That is what we are seeing.

Dr DOUGLAS: Are you keeping a track of the advertising where you are seeing mainly this offensive literature in your organisation?

Ms Liszewski: We are keeping track in the sense that for us we take photographs of outdoor advertising when we see them. We also have people send us images of outdoor advertising, and we encourage people to make complaints to the Advertising Standards Board so that there is an independent record of what is out there.

If you look at the Advertising Standards Board website, they have a list of complaints about ads that were upheld and those that were dismissed. Some ads will not be addressed because people will not complain about them—either they do not know where to complain to or they do not think there is any point in complaining. There was an ad that I complained about in a Westfield shopping centre a while back but, because evidently I had complained about the ad two days before the ad was supposed to come down, they decided they were not going to make a decision about whether the ad breached the code. In my view I thought it did, but how will I know if it is actually not considered? So those are the kinds of things that will not be on record, but this is the kind of information that we are getting through our organisation.

Dr DOUGLAS: Just to sum up, you are keeping a record but you are not seeing patterns that you can tell us about that give us an idea of what particular areas we might have to look in. Are you doing that? Your organisation is taking photographs and recording them.

Ms Liszewski: In terms of actually having data and being able to give you percentages and things like that, we do not have that. I can tell you from our organisation's perspective. We are a non-profit organisation. We have people contact us about different issues. Our primary goal is to motivate other people to take action in their communities, whether that be making complaints, writing letters to MPs, writing petitions—that kind of thing. People are weary of doing this. So we do rely on people getting in contact with us about these issues.

ACTING CHAIR: You mentioned about the ad that was two days away from being taken down. Is that a one-off situation you have encountered or have you found that before?

Ms Liszewski: That particular ad was one I thought might have breached the code because it referenced sexting imagery. So the image was of a young woman in front of a lingerie store appearing as though she was about to pull her pants down and then there was a camera in the picture like she was taking a photograph of herself. That one was taken down. It will be replaced with a very similar image but probably without the camera. So in terms of that kind of imagery in shopfront windows, that is an ongoing problem. In my local shopping centre there are a number of different stores that continually do this.

I believe at the last hearing Wendy Francis talked about Honey Birdette. That was an ad that appeared in a shopfront window of what is essentially a sex shop in Westfield. That ad was found to be in breach of the code. They refused to take it down. They were contacted about taking it down. They said, 'Oh, we're getting a new sign.' There was this real blasé attitude to changing the sign, that they had to wait for their sign-writers to come in. All I could think of was that some butcher's paper would do the trick. But obviously they are not going to do that. There is no motivation for them to do that. That ad has come down and it just gets replaced with advertising that is very similar: women in lingerie—I cannot even remember the text that goes along with it—with sexualised text matched up with sexualised imagery. Some of them will be seen to be in breach of the code; others will not be seen to be in breach of the code. But from the viewers' perspective they are all very similar.

ACTING CHAIR: I have one more question about the complaints process. You talk in your submission about there being little public knowledge about that. I acknowledge that you also said people get weary of that process. Are those processes in your opinion too complicated? Is that why people are weary of them or is it that the complaints are just not being upheld?

Ms Liszewski: In terms of the process itself, if I know to go to the ad standards website, it is easy to click and make a complaint. For the average person—who is a parent, working full-time—if you see an ad you disagree with, by the time you have seen the ad and get home, you are thinking about other things. You are not thinking about that ad—what was that ad again, where was it, and what was the website? It is gone. You have moved on. From what I have found talking to people is that if you mention the issue of outdoor advertising you will get people listing examples in a group conversation. They talk about this. But they are not going to bother making a complaint because from what they understand surely somebody else should be monitoring that, shouldn't they?

People are just unaware that there is this system in place where the community is supposed to be monitoring the behaviour of advertisers. For those who do make complaints, if you get knocked back a few times you lose interest. It is a fruitless exercise. As I said, in terms of the AMI ad that I complained about, I am probably going to hear the result of that in the next few weeks I imagine, but I almost do not care. What is the consequence? There will be no consequence. If it is upheld, they will just put up another ad with similar content. People are weary of it. It is unfair to expect the community—people who are busy, people who are monitoring other forms of media with their children—to have to do this as well.

ACTING CHAIR: There being no further questions from the committee, Ms Liszewski, thank you very much for your time today. We appreciate your appearance here at this hearing. I now call on Mr Paul Martin from the Queensland Association for Healthy Communities to come to the table.

MARTIN, Mr Paul, Executive Director, Queensland Association for Healthy Communities

ACTING CHAIR: Mr Martin, thank you very much for appearing here today and also for your submission to the committee. I invite you now to make own opening statement of up to 10 minutes and that will be followed by questions from the committee.

Mr Martin: Thank you for the opportunity to speak to you today. For those of you who are not aware, the Queensland Association for Healthy Communities is a charity which delivers health services to lesbian, gay, bisexual and transgender people throughout Queensland. We are also previously known as the Queensland AIDS Council, so that means we have been talking publicly about sex and sexual health for approaching 30 years now.

The first area I wanted to talk about was the importance of outdoor advertising to public health. Outdoor advertising has been a tool in the response to HIV in Australia for approaching 30 years now—since the early eighties—and it has been used responsibly by both governments and community organisations for decades with general public acceptance. With the growing rates of sexually transmitted infections including HIV in Queensland and Australia, it is more important than ever that we are able to talk publicly and openly about sexual health and related issues, and outdoor advertising allows that to happen.

Outdoor advertising can raise issues. It can also remind people to behave responsibly or to practise safe sex. Often outdoor advertising is used in our field as the tip of the iceberg. So there is a whole range of other campaigning activities that happen underneath it. Outdoor advertising is part of the mix but not the whole thing.

I have read some of the submissions and the transcript of the last committee hearing and some people have been making some comparisons between tobacco advertising and sexually explicit advertising. I would suggest to you that that is not an appropriate comparison. Every amount that you smoke is bad for you—every. So any advertising that promotes smoking is promoting something that is bad for you. That is not the case with sex. Sex is good, pleasurable, natural. People want to have sex. Sex, in most cases, is not bad for you. There are some things involved in sex that can cause harm, and we would not want to promote that. But equating smoking to sexual health or sex I do not think is appropriate.

Perhaps what is more appropriate is food advertising. We all need food and we all enjoy food but some foods are bad for us. So the discussion that happens in the community is not to ban all food advertising. It is the discussion around should we ban or limit advertising for foods that are unhealthy. So, for example, there is a debate around fatty and high-sugar content foods being advertised to children. I think we need a little bit of perspective around—I do not think we have good research here—what is the actual harm that happens to particularly young people but anybody who sees sexualised images in outdoor advertising versus the actual harm that is done through the promotion of unhealthy foods in Australia. We have a growing obesity and overweight epidemic in Australia. I would suggest that the research, such that it is, says that the advertising of unhealthy foods is by far—by far—a more serious health issue concerning the Australian population than some of the sexualised images that we see. That is not to say there is not harm done by some bad examples of sexualised advertising but I think, in perspective, there are other things to be more concerned about, I would suggest.

The next area I want to talk about is around sexualisation imagery versus sexual health content imagery. So one of the key questions for the committee is: where do you draw the line on advertising? I think most in the community—and certainly at Healthy Communities—would agree that things like the sexualised imagery of children should not be allowed; imagery that depicts sexual acts should not be allowed; swear words, genital nudity and sexual objectification of people, particularly women, should not be allowed; and sex used to sell a product that is unrelated to sex should not be allowed, although I would guess there is probably a bit more of a debate in the community around that one. So there is a spectrum. It is not black and white. At one end of the spectrum there are things that are clearly pornographic. At the other end of the spectrum there is the ban on any public discussion and any outdoor advertising that in any way relates to sex. I guess our recommendation is that the line not be drawn at that extreme, that banning any discussion of sexuality and relationships in the public sphere would be detrimental to the health and wellbeing of the community.

I think we need to ask ourselves what the implications would be if we did ban that public discussion and the public advertising of sexuality and relationship issues. I think it would send a message to young people and to the community generally that sexuality is somehow dirty and

shameful and something that you should keep hidden and private and that you should not talk to anybody about. We need to think about the consequences of a young person feeling that their natural sexual urges that are emerging are dirty and shameful and so awful that we must ban all discussion of them in the public sphere or in outdoor advertising. I think it will lead young people to be reluctant to seek help and when they do have questions about sex or sexuality, or even just the body changes that are happening at puberty, they will be reluctant to talk about those because the message they have received is: 'No, don't talk about that, it's bad.' I do not think that is the message that we want to send to young people.

We also know that the total prohibition of things leads to curiosity. If it is banned there must be something interesting in it, so I am going to go and search it out. The knowledge of that issue is then gained through inaccurate means, so discussions behind the bike shed become the way that young people are informed about sexuality, sex and relationships, rather than an open, age-appropriate discussion in the community, families, schools and so on. It also means that actions can be driven underground and that people get the message that you cannot talk openly about sexuality and your relationships, so you have got to keep that hidden. That makes it more difficult for health promoters like ourselves, for example, to reach people because they are keeping that area hidden from the community.

There have been some specific issues around condoms, which is the next area, and certainly there have been some examples of condom advertising. Obviously we talk about condoms in our advertising. One of the issues that was raised is what happens if children ask, 'What is that about?' My response is 'Fantastic!' That is what you want. That is a fantastic opportunity to start the discussion or continue the discussion with your child about sexuality, sex and relationships. The parent will do that in an age-appropriate way, so it might be as simple as, 'That is something that adults use to keep themselves healthy.' That's fine. If you as the parent want to go into more detail, then perhaps you can explain it a bit more. But shutting down the question once again sends the message: Do not talk about condoms. Condoms are nasty. Condoms are bad. It says something awful about them. We want young people to be able to openly and honestly discuss and ask questions about sex and sexuality so that when in the future, hopefully, they become sexually active, they have the knowledge and the skills and the awareness to practise safe sex. While I think we can all recognise that it might be uncomfortable for parents to have to talk to their kids about sex and sexuality, that discomfort is not sufficient reason to ban the promotion of condoms in outdoor advertising, in our view.

In fact, of course you can ban outdoor advertising of condoms. Okay, that is one area where it is banned, but there is a whole shelf full of condoms in every supermarket and every petrol station and condom vending machines are in public toilets. If the concern is that young people are going to see condoms and ask what they are about, then they are going to see them in all of those other locations. For consistency, are we saying that we should ban displays of condoms in every setting like we do for tobacco? It does not make sense to us. In fact, it is strange that condoms, a device that saves lives, prevents infections and prevents unwanted pregnancies, should be kept hidden from children; should not be promoted; should not be discussed; should not be in the public sphere. That seems very strange to me. Here is something that is a proven lifesaver, but we are going to keep it secret and hidden because it is so awful that it cannot be talked about in the public sphere!

The next area I want to talk about is around children and sexuality. One of the arguments is that any discussion of sexuality will somehow wreck the innocence of youth, but children will be exposed to issues of sexuality and relationships in all sorts of ways and places, not just outdoor advertising. When someone becomes pregnant and there is a new baby in the family, surely there is some discussion about what has gone on there. Or when two dogs are caught having sex in the back yard, or the dog has puppies or the cat has kittens, there has got to be some discussion with the young person. Hopefully we are not still in the a-stork-brought-the-baby sphere and there is some discussion.

Sex, sexuality and relationships are something that young people will encounter in a range of different ways throughout their lives, and of course young people need to be protected from harmful representations of sex. But they should not be shielded from the reality of sexuality, and it is important that young people are able to talk about sexuality, to know their own bodies and able to talk about those bodies, particularly when changes happen at puberty, and to understand what is appropriate and inappropriate touching and to feel confident that if there is inappropriate touching, that they can go and talk to a parent or a teacher or a responsible person about that inappropriate touching. But if the message that they have been sent is that they cannot talk to anyone about those issues, then that will cause more harm to young people than the good that we are seeking to

protect them from. What we know from research consistently around the world is that young people who receive age-appropriate sex and relationships education delay the age of first sexual activity and when they do have sex, it is more likely to be protected sex. Those young people who do not receive good sex and relationships education have sex earlier, and the sex they have is more risky.

The last area that I wanted to mention is around objective measures of what is acceptable and what is not and subject to morality. As I said, we have been speaking publicly about sex and relationships for almost 30 years, but of course the Rip & Roll campaign in 2011 is perhaps one of the most famous/infamous of the campaigns that we have done. It is important to note that we were very careful in the ad that we chose to put into the public sphere: there were no swear words; there was no nudity; there were no sexual acts. But we had the words 'A safe sex message from Healthy Communities', and there was a stylised picture of a condom in its wrapper. I am sure you are all familiar with the advert. That is the second time that we had run an advert with a similar content except for the image. In the first year it was a single person; in the second year it was what was obviously a gay couple. From reading the complaints that went to the Advertising Standards Bureau, most of them had issues with homosexuality, and some people did also mention sex and condoms issue as well. But underlying that, and sometimes quite aggressively, was the thought that homosexuality is so abhorrent that it should not be allowed to be displayed in the public sphere. You can do it behind closed doors, but absolutely there should be no display, no discussion or anything in the public sphere. Obviously we do not support that. Homosexuality will not corrupt the innocence of young people. Gay and lesbian people are part of families, communities, schools and workplaces all across Queensland, and it is not something that is going to be harmful to young people. But if you are a person who—incorrectly—believes that homosexuality is immoral or that homosexuality is a choice that you can be talked into and influenced by, then of course any public depiction of homosexuality is something that those people are going to object to. But those are not the prevailing community values here in Queensland.

So in summary, we believe that the promotion of sexual health in outdoor advertising is an important public health strategy that needs to be able to continue. Sexuality should not be kept hidden from children and young people, and it is important that children and young people are able to talk freely and openly about sexuality and relationships. It is appropriate to restrict sexually explicit or sexualised advertising, especially from children, but if we are going to do that then we need clear, objective definitions of what falls within the unacceptable, sexually explicit and sexualised categories so that we can try and leave out moral objections to things like homosexuality and other types of issues. Thank you.

ACTING CHAIR: Thank you, Mr Martin. We appreciate that opening statement. We will open it up to questions from the committee, and we will start with the member for Bundamba.

Mrs MILLER: Thank you, Paul, for your very comprehensive submission to us today. In relation to young people it is my experience, having spoken to many, many principals and teachers around, that young people are experiencing puberty younger these days. For someone of our age bracket it might have been 13 or 14, whereas now it can be as young as eight or nine. What you were saying about getting the public health messages across is very important to the younger age, so I would agree with you in relation to that.

The other issue that you spoke about which concerns me is that young people are not necessarily encouraged to speak about sex and relationships, which leads to other concerning issues like depression and anxiety. We do have school-based nurses in some schools, but where do these young ones go to to get the information that what you are feeling and what you are going through is normal?

In relation to sexually explicit outdoor advertising, I think you have made a very common sense contribution to our committee. We also have to understand, like you said, being on the other end of the spectrum in relation to this issue, that you cannot shut that information down. Eventually it will end up in the health system anyway because of young people who are getting very anxious, depressed and sometimes actually suiciding. That concerns me. There has got to be a balance. I am just wondering if you would like to comment on that.

Mr Martin: Certainly we recognise, as other speakers have—and I imagine will—that there are a range of pressures on young people to be sexual, and sexualised images and body imagery and all of that is something that should be addressed. But we are not going to be able to turn that off overnight, and we may not ever be able to turn all of that off. As well as trying to limit exposure to those harmful messages and harmful imagery, we need to give young people the tools and awareness and self-confidence to be able to respond to stuff that comes at them. If we do not talk to young people about those issues, then they will not have the tools and ability so that when they

encounter something that is negative, it will have a larger harmful impact on them because they are unprepared to be able to respond to that. Age-appropriate sexuality and relationships education in schools, families and communities is really important so that young people are prepared to particularly understand the consequences of activities. As I said, young people who receive comprehensive sexuality and relationships education delay the age of first sex, and that is because part of comprehensive sexual relationships education is that they are understanding the consequences of sexual activity and thinking through what might happen. Do you really want your first sexual encounter to be a fumble behind the bike shed or a drunken encounter at a party, or do you want it to be something that is a bit more meaningful? Most young people will say, 'I think I want it to be something that is a bit more meaningful.' But if they have not been worked through that, then when presented with an opportunity to be sexually active in the first instance they might jump at it or fall into it because they have not had the skills. The skills have not been developed in them to be able to respond to that.

If we turn to mental health type issues, that is another big area. We have a Headspace organisation that has been developed and some school nurses, but there is an issue around where young people can go to talk about those issues. Hopefully they can go to their parents. We need to support parents to be able to talk with their kids about these issues as well.

ACTING CHAIR: Mr Martin, can I just follow on from that. I am obviously not disputing all of the education that needs to happen on these very important issues, but if I can play devil's advocate. Are billboards, as we are talking about here, the best way to communicate that message? How big a part does billboard and outdoor advertising play in communicating that message as opposed to other methods?

Mr Martin: As I said, it is the tip of the iceberg. Outdoor advertising for us is a small component of a comprehensive multifactorial range of sexual health interventions, whether that is for young people or for adults. But it is an important element because it is something that is in the public sphere. It is something, as I said, that acts as a reminder and a prompt. But I think the discussion is not should we have it or should we not have it? It is, in our view, what should we have? We should be able to talk about safe sex and condoms.

We would never do outdoor advertising with instructions on how to put a condom on. That is not something that we would think is appropriate in an outdoor advertising space. But the fact that condoms exist and that they are part of sexual health is something that we would think is appropriate. It is how the message is communicated. Yes, there absolutely have to be some boundaries and some things are acceptable and some things not. I guess the difficulty for you is that that is incredibly subjective and how do you put down on paper what is acceptable and what is not acceptable.

We have industry with their guidelines and generally speaking those guidelines are adhered to. But sometimes they have to be tested. Each time they are tested we learn a bit more about what is acceptable and what is not acceptable. I think things have progressed over the years because those guidelines have been tested.

Mr SHUTTLEWORTH: I think you largely answered what I was going to touch on. You mentioned in your submission age appropriateness of outdoor advertising. I think the difficulty with billboards particularly but also shopping centre displays and so forth is that often the discussion that you are having with a parent or an adult often cannot occur because the children are unattended or an adult is not there to provide that immediate feedback and solution. My personal view is that it is very appropriate to get the health message out. There are plenty of examples—and we had two this morning—where there is more genderfication and so forth. How do you see the balance being drawn between the health message—the important health message—and more explicit outdoor advertising?

Mr Martin: People would know that Queensland has a more rigorous, restrictive set of guidelines around the pornography end of the spectrum in terms of publications. There is a clause in that law that if the purpose of the publication is to promote sexual health or public health then that can be allowed. There have been some publications that we have produced where we have submitted that, in effect, to the Queensland censor with a description of why we are doing it and where it is going to be distributed and so on. They have looked through it and said yes that can be distributed in certain areas—usually in licensed venues with a plus rating and sometimes in a sealed package. That could be one way of doing it.

If you decide to go down the route of a ban on anything that is sexual related in outdoor advertising then I would suggest a clause that provides that if someone like us or family planning or Queensland Health wants to do some outdoor advertising there is a way of applying for an

exemption from that total ban for the purposes of public health and that we would need to submit the copy and the rationale for why we believe that that is something that should be allowed in the public arena.

If you do not go down the route of completing banning anything that is in any way related to sex, sexuality or relationships, how you codify that is challenging. I think the industry guidelines are pretty good. We have seen from the submissions that the number of complaints is extremely small in terms of the number of advertisements—0.01 per cent of all the advertisements in Australia. That system is working pretty well. I do think that where it does not work there is the question of, for want of a better term, punishment. That is an area to look at.

From the gay and lesbian perspective, sometimes there are advertisements that the gay and lesbian community or parts of find offensive to gay and lesbian people. We use the Advertising Standards Bureau to complain about that. Sometimes it comes out in our favour and sometimes it does not. Sometimes there are repeat offenders. It would be good if there were some stiffer penalties, particularly for repeat offenders.

Ms BATES: Thanks, Paul, it was very interesting. I want to touch on something you said early on. You said that there has been an increase in AIDS. I understand the public education part is to get people to use condoms whether they are in straight or gay relationships so that we do not have endemics like AIDS again. Can you elaborate a little bit more on that? Is it because they are being diagnosed earlier so that is where we are seeing the increase or is there another reason?

Mr Martin: Both STIs, sexually transmitted infections, of which HIV is one, the one that can cause death, are increasing. We know that HIV has doubled in Queensland over the last 10 years, but Queensland is not alone. It is the same pattern, more or less, in Australia. In fact, it is the same pattern in most Western countries. Teenage pregnancy you can add to that as well. Exactly why there is there is a whole variety of views on. There is no one single answer.

ACTING CHAIR: We might just take a short answer. I appreciate it is an important question, but it is possibly not 100 per cent related to what we are talking about.

Mr Martin: I am happy to come and talk to you about that. Family Planning Queensland are experts in that area too.

Dr DOUGLAS: I will pick up on what the acting chair was asking you earlier. I appreciate that outdoor advertising in your case is the tip of the iceberg. Do you have any quantitative evidence from your organisation that your outdoor advertising is critical to the message you are sending?

Mr Martin: No, because we have never only done outdoor advertising. As I said, the outdoor advertising has been part of a multifactorial approach. For example, when we did an evaluation of the infamous second year of Rip and Roll, the feedback was that most people understood that it was promoting sexual health and promoting condoms—93 or 95 per cent. It worked, but because that ad appeared in a whole range of different places—outdoors, magazines, venues, the travelling photo booth, all sorts of things—then evaluating whether exposure to an outdoor ad on its own made a difference or not is not something we have been able to do because people will have encountered the same image in lots of different places.

Certainly anecdotally it is something that is noticeable. So particularly with our limited budget, as we normally have, we do try to place our billboards in certain areas. When we have a very limited budget, for example, we will prioritise the Valley. There are lots of gay and lesbian people in the Valley. When people are leaving nightclubs that might be a time that is close to them having sexual activity. The closer you can get the advertisement to the time of sexual activity, the more likely it is that they will heed the message in the advertisement.

Dr DOUGLAS: Are we at liberty to know a rough idea of what percentage of the campaign was allocated to outdoor advertising? Is that confidential information?

Mr Martin: It is not confidential. I am not sure I have that at my fingertips, but I am happy to provide it to you. I will have to go back and have a look at that.

Dr DOUGLAS: When you ran the Rip and Roll campaign were you influenced with regard to running outdoor advertising by other campaigns that were done by any other providers?

Mr Martin: What do you mean by influenced?

Dr DOUGLAS: Sometimes decisions to run advertising campaigns are somewhat parallel campaigns because the advertising companies you get give you advice that this is a similar type of process. I know sometimes that is confidential.

Mr Martin: Not that I am aware of. Rip and Roll we have done three times. The first year was a single person. The second year was a couple. The third year was a group of three people. So I am not aware of the advertising company that we used saying that they were taking that from another area. I am aware of lots of people who have then used our pose in their imagery. It is certainly something that has been used by other advertisers subsequent to our advertisement.

Mr HATHAWAY: Thank you very much for your submission and presenting here today; it has been very informative. I want to follow on from what Alex Douglas was saying. 2011 was the only year you got complaints about the Rip and Roll campaign. I am not for a moment suggesting that this was your intent, but we have seen other arenas where ambush marketing is used. So creating that controversy is part of the advertising campaign. Do you have a feel for that? I recall the 2011 campaign. I recall the 2012 campaign because it was not like the 2011 campaign. The message actually gets out there a lot better.

Mr Martin: Certainly we were not out to cause it to be controversial, but were prepared for that to happen. We have been talking about homosexuality for 30 years. We know that some people do not like that. There has been controversy with our campaigns before, not necessarily to that extent, but people have found some of our campaigns in the past problematic. We were certainly prepared to respond to that.

In the early 1990s Victoria had an advertisement which was called 'Two boys kissing' which was a black and white photograph with two 20-year-olds who were just about to kiss. They placed that advertisement in *TV Week* and there was controversy about that. That was 20 years ago. We thought things had moved on, things had improved and we should be pretty safe. An intimate hug should be okay. But we did prepare for the fact that some people may find that objectionable. We had no idea that it would explode to the degree that it did. To be honest, it, having exploded, got us a huge amount more coverage. We did not plan it that way but it was a great outcome.

ACTING CHAIR: Can I ask a question about self-regulation. I note in your submission you talk about self-regulating measures and the fact that you find them satisfactory at the moment. Correct me if my understanding is wrong here, but if you are doing an advertising campaign that say was to run in a cinema that would go through classification prior, but it is not the same for billboards. It is self-regulating for billboards as opposed to other forms of advertising, is that a correct assumption?

Mr Martin: We have never had the budget to do cinema advertising so I am not sure. But we can certainly place advertisements in print media without that needing to go through anyone. It is only if we propose to do a publication that was pornographic—so the display of genitals or the display of sexual acts. If we plan to do that—and you cannot teach someone to bake a cake without showing them a bowl and a spoon; you cannot teach someone to have safe sex without showing the bits that are involved in sex—and sometimes you do need to do that, if we did anything that was at the explicit end in Queensland that is something that would need to go to the censor beforehand and get their approval.

ACTING CHAIR: So if something is going into the print media then it is the discretion obviously of the publication?

Mr Martin: That is right.

ACTING CHAIR: But you do not have an intermediary in billboard advertising so it is completely self-regulating?

Mr Martin: As we were Queensland government funded, there were guidelines, both at the Queensland and national level, around the use of sexually explicit materials in sexual health advertising. So we complied with those Queensland Health guidelines. The national guidelines were put out a long time ago by the Australian National Council on AIDS and Related Diseases, ANCARD. That was probably back in the 1990s. There are some guidelines that our health promotion sector uses and works by in that area.

ACTING CHAIR: We will have one last question in just a moment. I welcome to the committee this morning Mr Ian Berry, the member for Ipswich, and Mr Peter Wellington, the member for Nicklin, who have been granted leave to appear at the committee this morning in their roles as chair and deputy chair of the Legal Affairs and Community Safety Committee. I would like to welcome them. Mr Martin, we have one last question from the member for Mudgeeraba.

Ms BATES: Obviously your message was hijacked by the Katter party in the middle of the 2011 campaign. Even though it was a negative response because of the message they were trying to get out as opposed to your message about Rip and Roll, did it increase awareness or did it just give more negative connotations?

Mr Martin: We launched that campaign in around May-June 2011 and by that time we were ramping up to the election and indeed Labor's introduction of civil partnerships. Both of those things were six months later than the campaign that we put out. Certainly people reintroduced it. I think Aidan McLindon carried a poster around with him and would roll it out and press conferences. We sent a message thanking him for promoting our campaign and encouraged him to keep doing that.

ACTING CHAIR: Thank you very much for appearing here today and for your submission. There was one question from the member for Gaven where if you were able to provide further information that would certainly be helpful to the committee. Thank you very much.

Mr Martin: Thank you all.

ACTING CHAIR: I would like to invite now Ms Alina Bain and Ms Fiona Jolly to take their places.

BAIN, Ms Alina, Director, Operations and Regulatory Affairs, Australian Association of National Advertisers

Jolly, Ms Fiona, Chief Executive Officer, Advertising Standards Bureau

ACTING CHAIR: We would like to welcome now Ms Alina Bain, Director of Operations and Regulatory Affairs with the Australian Association of National Advertisers as well as Ms Fiona Jolly, Chief Executive Officer of the Advertising Standards Bureau. Firstly, if I could invite Ms Bain to make an opening statement of up to 10 minutes and that will then be followed by a similar opportunity for Ms Jolly to make an opening statement also of up to 10 minutes.

Ms Bain: Thank you. Thank you to the committee for this opportunity to provide evidence. I am appearing here today on behalf of the Australian Association of National Advertisers—the AANA. The AANA is the peak body representing Australia's advertisers. Our members come from a range of industries, including automotive, financial, telecommunications, retail, media, travel and leisure, alcohol and food and beverages. They represent some of Australia's most iconic and well recognised brands.

The AANA was established over 85 years ago to facilitate the development of common ethical standards which were reflected in the first draft of the code of ethics. As the advertising and marketing industry have evolved, so have those standards reflected in the codes. So today, advertisers are subject to a range of restrictions, all of which are designed to ensure that community standards are reflected in all advertising and marketing communications. It is a national system of restrictions and they apply across state borders and to all advertising material in all media—in TV, on the internet and in the outdoor space. In relation to the outdoor space, this includes all forms of outdoor media. It includes billboards, which you will hear more about from the Outdoor Media Association. It also includes shopfront signage and even menu boards.

We continue to adapt and evolve the system and this is really important. In fact, following the 2011 parliamentary inquiries, the AANA paused the code review pending the outcome of those inquiries. Following those inquiries, we included within the code and within the system of restrictions a new clause that prohibits the use of sexual appeal, which is exploitative and degrading. Further, this clause restricts the use of sexual appeal and images of children in all cases, as the use of sexual appeal in the images of children is always regarded as exploitative and degrading under the code. We also keep our members up to date with the latest on community standards through AdWatch, a service that we provide to our members, which gives them case notes and analysis of recent ad standards decisions and determinations.

Following the inquiries, the AANA, along with the Outdoor Media Association and the Advertising Standards Bureau, has conducted two separate nationwide training seminars for outdoor media members. The Outdoor Media Association will also provide with you details of their member services for advice about the self-regulatory system. In addition, the Outdoor Media Association and the Advertising Standards Bureau have conducted a public awareness campaign and these are some examples of the responsiveness of the self-regulatory system to community concerns. Those activities have together seen and brought about a clear reduction in both the number of outdoor ads complained about and the number of breaches. Fiona, from the ads standards bureau and the Outdoor Media Association, can provide you with more detail around those figures.

Throughout this inquiry, the committee has received submissions and heard evidence that outdoor advertising is sexualised and that the self-regulatory system has failed. We submit that this is incorrect. The self-regulatory system restricts the use of language. It restricts the use of images which depict sex, sexuality and nudity, or sexual appeal. It restricts the use of violence. It restricts depictions of people in relation to discrimination and vilification. It also contains a general and very broad restriction in relation to health and safety generally. We also include within the system some specialised codes around food and beverage advertising and a code that contains particular restrictions in relation to advertising to children.

For the restrictions around language and sex, sexuality and nudity for media other than outdoor—so, for example, the television audience or the audience for magazines—the relevant or target audience is very important and the type of material that can be shown in the advertising reflects back on that audience and can be of a certain intensity. So the narrow audience in those situations is relevant. However, in the outdoor space the restriction is more strictly applied. In the outdoor space, it is the broad audience, not just the advertisers' target audience that is relevant and which is taken into account. This acknowledges that within the outdoor audience there may be children present and this is firmly reflected in this more restrictive approach and application of

community standards in the outdoor space. In the outdoor space, marketing must treat sex, sexuality and nudity with sensitivity to that broader audience. Similarly, the language used must be appropriate in all the circumstances, including appropriate for that relevant audience—that broad audience—and strong or obscene language must always be avoided.

Some evidence provided to the committee also points to a proliferation or a blanketing of the outdoor space with sexually explicit material. Again, this is not the case. You can see the audience for advertising and marketing communications reflected in the types of products and services that you see advertised and, indeed, the style of advertising, the language used and the images used. Advertisers will place advertisements where their target audience is available and where they are most likely to see the ad. They also try to minimise wastage. So they look for places where the audience who is not their target are not present. For example, if you consider the signage and the advertising at the V8 Supercars on the Gold Coast, you will see that the types of advertising messages, the services and products advised reflect back on that audience in the outdoor space. So they are typically for products enjoyed by the audience for the sport—Chrysler, Supercheap Auto, Red Bull, Coates Hire, for example. Again, if you think about outdoor signage in the CBD, it reflects the adult audience. It reflects the commuter audience. So you see advertising predominantly for insurance, financial services, automotive and telecommunications and at the moment, of course, we are seeing a lot of election advertising. There is a noticeable absence in these spaces of advertising for toys or for kids entertainment. In fact, in terms of paid billboards, the top advertisers are in the categories of retail, entertainment and leisure, finance and motor vehicles. So while the self-regulatory system in terms of outdoor media certainly acknowledges that children form part of the broader audience for outdoor, it is important to note that adults are the predominant target audience and advertising is, therefore, directed to them in terms of the products advertised and the style of ads that you will see.

In addition to the restrictions that I have set out for you today and in my written submission, the system is underpinned by a complaints handling process, which is administered by the Advertising Standards Bureau. This is the consumer access point to the system. The system is transparent and robust. Ms Jolly from the Advertising Standards Bureau will now take you through the complaints handling system, their application of community standards, their community standards research and the complaints figures. I am happy to take questions on the self-regulatory system more broadly, but perhaps now I will turn to Ms Jolly for her opening statement. Thank you.

ACTING CHAIR: Thank you, Ms Bain.

Ms Jolly: Thank you for the opportunity to address the committee's inquiry into sexually explicit and inappropriate outdoor advertising. In our view, the complaint resolution process managed by the Advertising Standards Bureau is an effective and efficient way to respond to community concerns around advertising. This view has been supported recently in several federal government inquiries into outdoor advertising and into the sexualisation of children. The process that we run is fast, transparent and accessible to all consumers with easy-to-follow steps and support throughout the process provided by my staff in Canberra. We resolve consumer complaints within an average of 35 calendar days. This is a time frame that no government agency is able to come anywhere close to competing with from our experience. We are supported in our work to promote community standards and advertising by the Outdoor Media Association and the full range of industry organisations across the full spectrum of advertising and media.

The vast majority of advertising and marketing communications in Australia complies with the codes and does not receive any complaints, while the majority of those complained about are not found to be in breach of the codes. Where a breach is found, which is in around 13 per cent of cases, we have a record of over 99.6 per cent compliance by industry with our decisions, demonstrating the commitment of the vast majority of advertisers to the system and to the maintenance of high standards of advertising.

Let me just tell you briefly about the principles on which we operate the complaint system. I would like to characterise our system as responsive, accessible, effective, transparent and robust. An important point to make in introducing this is that it operates at no cost to the government or to the community. It is fully industry funded. In terms of responsiveness, we are committed very strongly to continuous improvement. We take into account input from the public and industry and have regard to international best practice relating to advertising self-regulation.

Since 2005, the bureau has undergone extensive remodelling in our operations and we have included a range of initiatives to improve the principles and their operations. For example, we now have a regular turnover of board members to reduce the issue of desensitisation. We have a larger board to better represent the diversity of the Australian community. The board meets more often to

improve our turnaround time and response times. We introduced an independent review mechanism in 2008 to make sure that the community and the industry had a mechanism of ensuring that our processes afforded natural justice. We have an accessible and modern website and a very high public profile.

In terms of accessibility, the complaint resolution process managed by the bureau is free, transparent and accessible. As I said—and as I was pleased to hear the representative from Collective Shout acknowledge—it is very easy to make complaints through our website and 85 per cent of complaints now come through our online complaint form. Last month, we launched a tablet version of the form to recognise the fact that people sit in front of the television with their tablet and they can now quite easily put a complaint in without having to leave the comfort of their lounge. Our online complaints system has risen from 15 per cent to 85 per cent of complaints over the 10 years that the internet has grown. As I said, we operate at no cost and are fully funded by advertisers. Having said that, advertisers have no role and no impact on the decisions that are made by the board. Although we are funded by industry, we are funded through a very strange but separate system. The operations of the bureau are completely independent from any influence from advertisers. Certainly, when matters go to the board, there is no understanding of who pays or how much when they are looking at decisions.

In terms of effectiveness, our complaint turnaround and case resolution times are fast, particularly compared with the statistics from other complaints organisations, which are primarily government. I will not name any, at the risk of being unfair to them, but let me just say that if you can find any complaints organisation with a turnaround time of 35 calendar days, please let me know and I will go and meet with them to see what we can do. The minority of advertisers whose ads are complained about do comply with board decisions and remove or modify their ads within short time frames. Very few advertisers provide any opposition to board decisions. Certainly, I have a lot of conversations with advertisers who are unhappy with decisions, but at the end of the conversation they will always agree to have their ads removed.

There is a wide range of community views on particular issues and our research shows that generally our board is in line with community views. Where we have not aligned, we respond and change—and I will talk about that in a bit more detail in a minute. We have a very high level of transparency through our internet site. On our website you can see details of every case that the board has ever considered and full detail of the reasons. We do not provide images of the ads for two reasons. One is that we do not like to have images of banned ads on the internet available, particularly as they can be disseminated but we also do not believe in giving advertisers free advertising by having their ads available on our website. So you can see everything except the actual images.

The centrepiece of the system is really our board. Advertising Standards Board members are not from the advertising industry nor though are they from lobby groups or activist groups. These are people from the community who have shown in their work and lives an interest in upholding community standards. We have a very independent, a very dedicated and a very diverse board, with 20 people from a broad range of age groups, backgrounds and geographic locations. It is gender balanced and is representative of the diversity of Australian society, as it is possible to have in a group of 20 people. I would just like to acknowledge here today Karen Haynes, who is one of our Brisbane based members of the board. Karen is a pastor with the Baptist Church here in Brisbane. We have another board member who will be turning up shortly who is a local member of the police.

The board takes its responsibility regarding outdoor advertising very seriously, and decisions to dismiss complaints about outdoor ads under provisions of the codes are made with appropriate and careful consideration that the board gives to all cases. The Advertising Standards Board recognises that there is a broad nature of audience for outdoor advertising, and we take into account changing community perceptions towards particular types of media and particular issues covered by the codes. The system works well. Publicity is usually given to a very small number of cases where there are different views of the acceptability, and the different views that you see discussed in the community are very much the different views that are expressed at board meetings. The reality is that the controversy about the small number of ads that are raised in these sorts of fora comes down to differing opinions about what is acceptable, and the community does have wide-ranging views about what is acceptable on a scale from ultra-liberal to ultra-conservative.

One of the things that we do to calibrate board decisions in a sense is research that we started since 2007. As you would see from submissions, we receive criticisms from various community groups on the basis of being too liberal in our decisions. I can assure you that on the Brisbane

other side we receive just as much criticism from industry for being too strict. So in 2007 we started undertaking a range of research each year to test board decisions with broader community views, and all our research reports each year are available for download from our website. I can provide you with some if you are interested, although I have not brought them today. So what we do is we test 1,200 people and a range of focus groups depending each year on how much money we have. We show them board decisions in various areas of the code and ask them what decisions the 1,200 people would make, if that makes sense, to see whether the board's decision—our group of 20 people—align with the broad views of the community. In selecting the 1,200 people, our research companies make sure that they select 1,200 people who are a representative sample of the Australian community. So it is not 1,200 people from Canberra, for example.

What we have found each year is that broadly the board's decisions are in line with what the community considers, with a couple of exceptions. So what we have found consistently over the years is that the board is too strict according to the community on areas around racial discrimination, which I find quite interesting, and also on health and safety issues. So the community view tends to be 'Gosh, that ad was funny. Why have you banned it?' whereas the board's view is that it might have been funny but it still represented something that was unsafe so we do not think it should be out there. What we have found over the years, though, is that the community is more conservative on issues of sexualised images. The whole point of doing the research is to bring this back to the board every year and to tell them, 'We think you are a bit out of line on this type of issue.' If I were to present to you—which would take some time—an analysis of cases over the past six years since we have been doing this research, you would see that board decisions have become much more strict in the areas of sexualised images and in particular sexualised images of women and objectifying images of women.

So I make that point to say we are very committed to making sure that the board's decisions do broadly line up with the community. We test this every year and board decisions have become more strict. In terms of outdoor advertising, we have to consider at every meeting in relation to every case who the broad audience is and whether the ad treats sex, sexuality and nudity with sensitivity to that broad audience. We welcome any feedback that comes out of the inquiry and are very happy to answer any questions.

ACTING CHAIR: Thank you both for those opening statements. We will move now to questions from the committee. I will kick it off. Ms Bain, you made a comment that there are currently fewer ads being complained about. Can I compare and contrast that to a statement that was made earlier by the representative from Collective Shout that people are getting weary of their complaints being overturned—and, Ms Jolly, I think you mentioned 13 per cent of complaints are upheld. Is there a correlation there? There may be fewer ads being complained about but that is not necessarily because there are fewer offensive ads out there but because people are getting sick of complaining about it.

Ms Jolly: I think I will answer that question. In terms of awareness, which I think was one of the issues that the representative from Collective Shout mentioned, every year when we do our research we also test the level of awareness of ASB. Over the past four years we have had consistently between 62 per cent and 67 per cent unprompted awareness in the community of ASB as a place to complain about advertising. That is an amazingly high number. So we do not think that lack of knowing where to complain is an issue. Certainly, if you Google 'advertising standards' or 'advertising complaints', we are within the top three results you will get from using any sort of mix of those words.

In the research we ask people why they do not complain. We ask them, 'Have you ever been offended by an ad?' and out of the people who say yes we ask, 'Did you complain?' If the answer is no, then we ask, 'If not, why not?' What we have found is that the most common reasons—and it is up to about 40 per cent—is that people think nothing will happen or they cannot be bothered. We have just signed off yesterday on a brief for a new advertising campaign which will not focus on 'be aware that we are here'. The focus will be on 'putting in a complaint is easy and it matters; something will happen—it does not mean that the ad will be banned but your complaint will trigger a process of a group of sensible people sitting down, looking at your issue and assessing whether the ad you complained about meets the community standards and the codes that it needs to meet'.

Dr DOUGLAS: Thank you very much. They were both very good presentations. I congratulate you on what you are doing. As with most complaints you are tragically measured by your failures, not your successes. Also, within any complaints mechanism, it is only a very few complaints, extremely few—and the percentages have been raised—that are really the core issues. In fact, that is where you have to direct a lot of your energies. Is it possible within the mechanism you have that there is a limitation to what you can do because—and that is what has led to this—

there are obviously a number of instances and possibly very few people that your system cannot deal with. Can you tell us whether that is, in fact, true? Can you suggest a means of dealing with that group?

Ms Jolly: In terms of compliance and enforcement at the moment, national advertisers, who are mainly AANA members, are people we can have a very logical conversation with and they will say, 'Okay we stuffed up—the ad comes down.' For any advertisements that appear in outdoor media and on TV, radio and the internet—more than 90 per cent of advertisers will pull their ad down themselves, regardless of where the ad appears. For the very small number who do not, we have a working relationship with media owners. So with the outdoor media, if we have a billboard person who is not going to comply, I make a call to Charmaine and her members will pull the ad down. The person who owns the billboard will pull the ad down even if the person who has paid for the ad to be there will not pull it down.

The only area where we have any problem is basically small businesses. To use an example, for the member for Townsville, I am sorry, we had an ongoing issue this year with a local business who has a sign up in the front of his premises. It was complained about, and we looked at it and we decided that it was inappropriate and should be brought down. Because that advertiser's sign is on their own building, we do not have any third party that we can talk to to encourage the ad to come down. We have had quite a good conversation with the council, who are similarly limited because the council can only approve how big the sign is and where it is. The council does not make rules about what can be on the sign generally. Having said that, we liaised with the council representative in Townsville and the ad eventually came down. But that took quite a long time and it showed up in our statistics as a 'not removed'. So the only area where we have problems is with a small operator who generally has an ad in one premise, on one building. Does that make sense?

Dr DOUGLAS: That is not exactly correct, though, is it? We have AMI running their third phase of campaigns. I live on the Gold Coast. Now they are an exception to the rule. They are using billboards, they are owned by major companies and they are defeating the system. So can you discuss that, because they are not a small business? That is a \$13 million campaign.

Ms Jolly: Yes, I completely agree. What is important to note in relation to AMI is that, whenever the board has determined that their ad breaches the code, they have always pulled their ads down. Recently they had some cars decorated with the 'Want longer lasting sex?' text, which we have already said in outdoor advertising is banned. The board again said that it was inappropriate to have that signage on a car, so that was removed. So AMI will always remove their ads once they are banned. I think there is an image up at the moment which the board is currently looking at, so I cannot comment on that until it is finally decided.

A lot of the images over the years are ones that the board has said are okay. As I said earlier, from the research and from what we can see in complaints, the board has become more strict in what is appropriate. One of the problems for AMI which is not something that is within our jurisdiction is that they just annoy people, and that is not relevant to our decision. It is about whether the level of sex in the ad is appropriate to the audience. There are concerns in the community about the legality of their operations, and that is being dealt with appropriately. My understanding is that that is with the ACCC, and that is where those types of concerns should be dealt with. So AMI are a complex example because there are a whole range of issues about their operations and methods that are not related really to the content of their ads. Can I just say for the record though that 'Want longer lasting sex?' has not been up on any billboards since 2008, but I recognise that there is a current campaign which does not use those words but is possibly as controversial.

Mr HATHAWAY: My questions are probably to Ms Jolly. You mentioned that you had 20 members on the board. How long are those appointments for?

Ms Jolly: Since 2007 we implemented staggered appointments. So every three years we do a full review of the composition of the board.

Mr HATHAWAY: A mix.

Ms Jolly: We have a mix. It is important for us to have some people who have been on the board for a long time, but every three years we have fresh blood coming in, so to speak.

Mr HATHAWAY: How often does the board meet to review your complaints schedule?

Ms Jolly: It meets twice a month. We meet once per month in Sydney in a face-to-face meeting, which is very important to discuss these types of things, to be able to have a long conversation about 'What is appropriate to you?' and 'What is appropriate to you?'—that sort of thing. The board also meets once a month by teleconference. We also have the ability, if there is a campaign that we think is problematic or is a short-term campaign, to meet—

Mr HATHAWAY: Out of session.

Ms Jolly:—within 24 to 48 hours urgently.

Mr HATHAWAY: That was another question. You touted the 35 days. Is that from receipt of complaint to board decision, to action taken, to billboard down?

Ms Jolly: Yes, 35 calendar days—and that is 80 per cent within 35 calendar days.

ACTING CHAIR: The Outdoor Media Association mentioned that large format billboards quite often only stay there for four weeks. I know you have alluded to that, but is that effective in coping with that ambush marketing?

Ms Jolly: I do not make any comment about ambush marketing because I am not sure it actually exists.

ACTING CHAIR: Then billboard advertising that is there intentionally, knowing that they are going to be pulled down but knowing that they have 35 days.

Ms Jolly: If we get a complaint and we look at the ad and think, 'That is definitely a problem,' that is when we use the urgent meeting provision. So if something has been up for 35 days, if something has been up until a board meeting, or if there is a board meeting coming up in a couple of days, we will just leave it until then—or not—but generally if there is something up that we think is likely to result in an upheld, we will try to do something out of session faster.

ACTING CHAIR: And that is effective? That has proven to be effective?

Ms Jolly: Yes, as effective as you can be, also bearing in mind that you have to respect natural justice. Just because someone has complained about something does not mean that the ad should come down.

ACTING CHAIR: Of course.

Mr BERRY: Thank you, Acting Chair, very much. Ms Alina Bain and Ms Fiona Jolly, good morning. My name is Ian Berry and I am the chair of the Legal Affairs and Community Safety Committee. To my right is Mr Peter Wellington, the member for Nicklin, who is the deputy chair. You may be aware that the legal affairs committee is separate, to this inquiry, considering the specific regulating proposal contained in the Classification of Publications (Billboard Advertising) and Other Legislation Amendment Bill 2013. So it is clear to all, it is not a government proposal; it is a private member's bill introduced into parliament by the Katter's Australian Party. Your organisation has provided the legal affairs committee with a submission on the bill and that is where I would like to direct the questions now. You have submitted that the regulatory system in the bill is not a suitable addition to the self-regulatory system. If you would not mind, are you able to expand on why you have that view?

Ms Bain: Yes, I am happy to. The self-regulatory system is underpinned by a concept of community standards. The community standards are determined by the Advertising Standards Bureau. So they move and they are shaped and reflected by the community which includes, of course, the consumers of products. Within that system and within that understanding of community standards is the concept of the audience and what is appropriate for the audience. In the case of outdoor media, as I have explained, it is the broader audience, which includes children, which is relevant, not just the advertisers' target audience. So the application of that system brings about material in the outdoor space that is suitable for that audience. Our argument is that that is providing appropriate community standards. In fact, we see an intersection between the application of community standards and the resulting marketing material and the concepts that underpin the classification systems. My view is that we get to the same point without the need for additional regulation through the application of the classification system, which is not designed for outdoor.

By way of example, if you have a look at the concepts which underpin the G and PG classifications in that system, they use concepts such as mild or moderate language, themes mild in impact, and these are themes which are reflected and applied in a self-regulatory system, albeit in a different way. So our view is that our system is providing the appropriate community standards. It applies nationally and it applies across all media. It is very important that it does so, given the national nature of advertising campaigns and also the fact that advertising campaigns are run across various media with common themes, albeit with slightly different execution.

Mr BERRY: Thank you for that. You have stated that the classification system proposed in the bill based on films and computer games is inappropriate for billboards. Can you explain why it would not work?

Ms Bain: Our view is that it is not necessary. The classification system is designed to provide people with information about predominantly program content or games and to provide them with information before they make a purchase decision either to buy the game or to buy a ticket to see the movie or, in terms of television and their classification system, to choose to turn on a program. In terms of outdoor media, we apply a very broad view of the audience. We always take into account that broader audience whether or not they have chosen to walk by that sign. So the additional regulation would bring with it I think an unnecessary level of complication, which is just not necessary given the protections in the current system.

Ms Jolly: May I make a comment there? I should declare that I am the deputy convenor of the Classification Review Board—one of my other hats. I will just make the following comments, but not as an expert in that area. I think it is important to understand that the G and PG ratings system is not a cure-all for getting rid of the images that some people would like not to have. For example, the G standard permits depictions of violence, sexual activity, nudity, language, suicide themes and dangerous imitable activity and other things. These can all be used in a G-rated publication or a film or computer game provided they are absolutely justified by the story-line or program content. So you end up with something which in ways is not a lot different from what we are already doing, because when we are making a decision about an ad we take into account what the product is being advertised and also the audience who is going to see it. So for an outdoor ad, we will look at it and say, 'Okay. Is this level of sexuality or violence appropriate for a broad audience?'

ACTING CHAIR: We will go to the member for Ferny Grove. Member for Ipswich, we will come back to you because I think you have more questions.

Mr BERRY: Thank you.

Mr SHUTTLEWORTH: My question ties in a little bit there. I suspect that the ad you are reviewing is the one that is in my electorate on Samford Road—the current one, 'Making love, make it bigger and last longer.' The issue that I have is that these guys are repeat offenders. If there was legislation, to me the benefit of that would be that there would be immediacy in terms of capacity to act and there would be a framework in which we could introduce penalty as the deterrent where currently there seems to be no sufficient deterrent. I would like your comment on that.

Ms Jolly: Again—I do not know who made the comment—it is unfortunate that one advertiser can be the tail that wags the dog, in a sense. As I said, over 99.7 per cent of advertisers remove their ads as soon as there is a decision of the Advertising Standards Board—and even AMI does. So there is no need for any greater incentive for everyone except one example and in Queensland there is one other example which is Wicked campervans. With respect, I question whether you are going to get any more incentive out of a penalty system when the current system gives you what you need in over 99.7 per cent anyway. Our experience with calling on a legislative system has proven 100 per cent ineffective when we have had to do that. Sorry, I meant to mention that in relation to your earlier comment.

We have had three occasions when we have written to enforcement agencies asking for assistance in enforcing a board's decision: two in Victoria and one in Queensland. In March this year we wrote to the Minister for Police advising him of six outstanding matters with Wicked campervans and asking the police to take some action to have the offensive images and slogan removed from the vans. Not only have we had no action but also we have not even had the courtesy of a reply. So I really question the extent to which legislation actually gives you a more effective system.

I worked in the federal government for more than 15 years. One of the unique features of self-regulation is that, when you are an industry organisation ringing an advertiser, it makes a difference. There is not a confrontational push back. That is why we have such a high level of success in enforcement and compliance.

Mr BERRY: One question that came out of your general discussion, essentially, is dynamic. I was particularly interested in what you said about community values and how you get that information. The board seems to be more strict. I am just wondering: how does the board adjust? Is it over time? Does the board take cognisance of the data that comes in? Your comments would be great.

Ms Jolly: It is funny; we had that exact conversation at a board meeting last week. We undertake the research and as soon as the research results are available we do a full presentation to our board. We have two allocated training days every year for the board where we do things just like discussing that research. We do a full presentation about the research, talk about what information it feeds back to the board and exactly that issue—'How is that going to affect our

decision making?’ In terms of the sex issue, because that is the issue where we seem to be becoming more strict still—a bit out of line—and again this is a discussion that we had last week with the board. We have 20 people who have quite different views and the view that is getting around sex issues is that, where they are in a bit of a deadlock or where they are not in agreement, they would tend to err on the banned side rather than on the ‘Its okay’ side now around sexual issues. So rather than giving an ad the benefit of the doubt, they will think, ‘Hang on, the community standards are that we are not being strict enough. We can’t really agree, so let’s ban this one.’ Just remembering, that is the borderline cases. The ads that are clearly breaching the codes are still obviously breached. But we find that the borderline cases are coming down more conservative, more conservative, if that makes sense—a lower level of sexualisation.

Mr BERRY: Acting Chair, I have only one other question. Is it appropriate for me to ask it now?

ACTING CHAIR: Yes.

Mr BERRY: It is to you, Ms Bain. I will not say it is a Dorothy Dixier, but it is a very open ended question. It is just in relation to my part of the exercise of the bill. Is there anything that you want to expand upon which may have been of interest to our committee?

Ms Bain: I think to just confirm for you the heavy investment that the industry has made in the self-regulatory system as it exists in terms of framing it, in terms of ensuring its currency and its evolution and that cannot be underestimated. It is a system that has been in place for many years and it does a great deal of good in terms of providing those protections for community standards. It is a system that is funded by the industry. It reflects the collective thinking of the members but it is also tested, modified and evolved based on community standards. It does that in a number of ways: through our code reviews, through concerns that we hear from the community, through inquiries such as this and then, of course, through the complaints process. It is very important, given the nature of advertising and marketing as a mechanism or material that reflects back on the community, that it is able to move—if we have become more liberal as a society or if we become more strict, it needs to be able to move in that way. A classification system or legislative intervention will not have that inherent flexibility. We would be very concerned that, to overlay the current system with further regulation, would stem the flow of important and sometimes really entertaining information and content to the consumer. We are a consumer-driven society. Advertisers are responsive to consumers. They are responsive to them in terms of the information they need but also in terms of their level of tolerance. I do not think that that can be underestimated. That is what we see reflected in the system and that is the beauty of the system.

Mr BERRY: Thank you, Acting Chair.

ACTING CHAIR: No worries. If there are no further questions, I would like to thank you both, Ms Bain and Ms Jolly, for your time this morning. I appreciate your submissions. The committee will now take a short break. Before we do, I just want to advise everyone that Associate Professor Mohamad Abdalla, who was due to appear at 12 to 12.30, has advised that he is unable to attend. So the hearings will be finishing at 12 o’clock instead of 12.30. The committee will now take a short break and resume at 11.20. You are welcome to remain in this room or in the foyer during that time. Thank you.

Committee adjourned at 10.59 am to 11.20 am

MOLDRICH, Ms Charmaine, Chief Executive Officer, Outdoor Media Association

ACTING CHAIR: Ms Moldrich, I would invite you now to make an opening statement of up to 10 minutes, which will then be followed by questions from committee members.

Ms Moldrich: Thank you for this opportunity to provide evidence to this inquiry. The Outdoor Media Association is the peak industry body, representing 90 per cent of Australian's outdoor media display companies, production facilities and also some asset owners. The OMA does not represent businesses that display on-premise or other first-party advertising. By this I mean on-premise advertising is displayed on premises where goods or services are provided such as pubs, clubs and retailers. Our members advertise third-party products, including on buses, trams, taxis, pedestrian bridges, billboards, street furniture, in bus stations, railway stations and shopping centres and in university and airport precincts.

Our members do not create the ads that are posted; rather, they sell space for advertisers to advertise their products and services. In that sense our members assist in the process of letting consumers know about products, events and services that may be of interest to them. What you are seeing here on the slide show is a display of the current ads on our Queensland members' signs. As you can see from this slide show, the vast majority of outdoor advertising displayed is for everyday products such as schools, supermarkets, garden centres, movies and even political parties at the moment. Much of it is advertising local Queensland businesses. In fact, we know that Queensland has the highest proportion of local outdoor advertisers of any state.

As you can see, outdoor advertising is designed as an at-a-glance medium. We are aware that in the hustle and bustle of life, most people have very little time to look as they go past signs. In fact, our research shows that the majority of people look for two seconds or less—about the same time as a new slide appears on this slide show before you today.

In both outdoor and other advertising the vast majority of ads are not complained about, as you have heard from Ms Jolly. The majority of those that do receive complaints are found to be compliant with the codes. Since 2012 in outdoor advertising the numbers speak for themselves. In 2012, we had three breaches of the code, none of which were in the area of sex, sexuality or nudity, and in 2013, to date we have not breached the code. This is after displaying roughly 30,000 campaigns nationally and 12,000 in Queensland.

I think this record is hardly the mark of a renegade industry that propagates a multitude of raunchy ads from which the community needs state protection. The allegation that outdoor advertising is dominated by sexual imagery is simply unfounded in the Australian context; therefore, we believe this inquiry is a harsh response to an industry which is showing a clear commitment to upholding the self-regulatory system. We are also aware that outdoor advertising differs from other mediums because it cannot be switched off. It does not, however, make sense to say that outdoor advertising is the cause of some harm, when nearly 100 per cent of the time there is nothing of concern in outdoor advertising.

While there is no convincing evidence that outdoor advertising causes harm, the outdoor media industry is nonetheless committed to only endorse the display of ads in line with community standards, including community standards on sexuality, nudity, violence, health and safety. On top of the 12 regulatory codes we abide by, the OMA also has stringent internal processes which were developed following the 2011 federal government inquiries. The OMA established policies and practices to ensure that our members were themselves aware of best practice in this area. To this end we developed a regular program of content training for our members in conjunction with the ASB and the AANA, and we have delivered this training to 400 of our members over the last two years. We also developed a content review policy, including a copy advice service, which sees the OMA provide members with between five and 10 pieces of copy advice per month—whether ads fit within the code. So the members have their own system where they look at ads that come in and look at whether they work within the codes. When they think it is borderline or when they do not know whether it fits into the code, they send it to the OMA and we give them copy advice. Once we have said that an ad could breach, then we let all members know so that no-one will run that ad. We also provide a concept advisory service which is available for advertisers and creative agencies to help them understand the extra requirements for outdoor advertising at an early stage of a campaign's development, so advertisers can come to us and show us a concept and we can give them a determination on whether that concept will breach or not breach the code.

The OMA is particularly concerned about the impact of any new regulatory system on our members and the broader Queensland business community. In 2012 our Queensland members employed 150 full-time equivalent staff and raised \$115 million in revenue, which added further

value to the Queensland economy of \$42.6 million. We also have early estimations about what any new government regulation would cost the industry, and it would be something in excess of \$3.5 million per annum, which does not take into account the cost that will be borne by government to run a system which could run into millions of dollars.

Given the benign nature of outdoor advertising, public resources, I think, would be more effectively spent, for example, on education programs into media literacy which could address the broader media influences of television, music videos, music lyrics, movies, video games and the internet, as well as significant non-media influences such as peers, parents and teachers, who all play a part in limiting the impact of sexualised images on children.

Todd Sampson from the *Gruen Transfer* on ABC Television recently said—

We cannot childproof the world; we have to world-proof our children.

This is an excellent point and is supported by the American Psychological Association, which acknowledges that in fact societal messages that contribute to the sexualisation of young people come not only from the media and merchandise, but also from young people's interpersonal relationships with parents, friends and teachers. So whilst state regulation of outdoor advertising may feel like a good quick fix for anti-advertising groups, it is really pointing the finger at a benign suspect in a complex sociocultural mix.

Once again I would like to thank you for this opportunity to respond to this inquiry, and I am happy to answer any questions you may have.

ACTING CHAIR: We will move to questions now. In your submission you talk about government regulation causing delays for businesses. My question is: Would business not simply adapt if there was regulation in place and just allow that extra time that they need for the approval process? Would that be a significant issue?

Ms Moldrich: I think in the modern sense yes, it would be. What we are seeing is that less and less advertising is booked way in advance, so there are a lot of reactive campaigns. In a lot of the advertising in the past, you know, someone would have known their campaign a year in advance. What we are finding—and you will find this generally in the economy—is that people are leaving it to the last minute because they are looking at more and more data before they actually spend the money. So what we would lose is those last-minute campaigns, which are really now the majority of what advertising we do. So yes, government regulation would create an impost on our members.

Mrs MILLER: You mentioned that you believe \$3.5 million would be the cost to industry. Could you detail that \$3.5 million, and would the industry consider any legislation to be red tape?

Ms Moldrich: I cannot give you the detailed costing off the top of my head, but I can send you the study that we did. We employed Access Economics to undertake a study in Queensland for us.

Mrs MILLER: We would be very honoured if you could send that to us.

Ms Moldrich: We could send you that study. I think, in answer to your red tape question, yes. I think the basis of our argument is that we have a self-regulatory system that, as you heard from Fiona and Alina, is a very stringent system. It is adhered to by 99.6 per cent of people. We, as the outdoor media industry, comply 100 per cent, so we are not those non-compliant .4 per cent. I think that places extra burdens on business, especially in Queensland where we are dealing much more with small businesses advertising. Queensland is much more a narrowcaster than a broadcaster. I think that if in Queensland you introduce a system that is not part of the national system that then creates another barrier because when you do buy the broadcast campaign you would have to do things differently in Queensland.

Dr DOUGLAS: Thank you, Charmaine, for the presentation. I was very interested to hear what you say about the issue of the red tape as well. Could I ask a question: throughout Australia, as a general thing, is outdoor media a growing market?

Ms Moldrich: It is a growing market. We grew by two per cent last year. That growth can be seen as, to some extent, growth in our signs—so inventory growth. It is also rate card growth, but it is also general growth of the channel because, as more and more media fragments, outdoor becomes a form of mass media communication.

Dr DOUGLAS: Has the growth been fairly steady the last few years?

Ms Moldrich: Yes. Over the last 10 years we have grown by something like 90 per cent. In 2009, of course, we suffered, like everyone else, in the GFC. However, we bounced back in 2010.

Dr DOUGLAS: That is at a time when a lot of other people with businesses were plateauing or declining.

Ms Moldrich: We have been growing in terms of the media market, while TV, radio, magazines and other more traditional media have not been growing. So either they have plateaued or they have gone below us whereas we have steadily grown.

Dr DOUGLAS: Have you, as an association, considered what the impact of further regulation and red tape on your industry might well do for that growth?

Ms Moldrich: As we have said in our submission, it would stem that growth for all of the reasons I just gave: there are these standards that will be different to a national standard.

Ms BATES: I just wanted to get a bit more information on digital signage. In your submission it says that the images on the sign can rotate periodically, for example, every eight seconds, and the displays can be updated remotely. How do you monitor this? If it is only an eight-second ad that is up there and it is not going to be there permanently, there is the ability then I guess for advertisers to put up inappropriate stuff for eight seconds and then it is gone.

Ms Moldrich: Most ads would be bought over still a longer period of time. There would not just be a subliminal ad that just happens for eight seconds. We do not actually sell advertising or campaigns that way. What digital does is it allows a static board to have maybe four or five ads but those ads rotate over a 24-hour period, a seven-day period or a 28-day period. Given the sorts of guidelines that we have, we have 12 regulatory codes that our members are trained on, we adhere to those codes. Then there is the extra filter that the OMA puts on it which is that we offer a service where we will look at ads. So I do not think that our members are certainly in the position where they would even consider an ad that would be inappropriate. It is not in their best interests to do that. We are very market driven. We are very consumer driven. There is instant feedback in the marketplace. I think it is a very mature market where there is an understanding that doing things like that can actually backfire on your product. So we are very aware that we are a grown-up, professional industry and you will see what we are advertising. The training has had a huge effect on the number of ads that get complained about and the number of breaches. So I cannot see an instance where what you are talking about would happen.

ACTING CHAIR: Can I ask you a question about self-regulation as opposed to having ads regulated before they are actually displayed. We were talking earlier this morning with other witnesses about, to use a specific instance, the AML ads. I guess it would be fair to say they push the boundaries quite a bit. We were talking about the complaint process and the fact that the average complaint process from start to finish can be up to 35 days. You say in your submission though that large format advertisements generally remain on display for four weeks and smaller displays run for a one- to two-week period. Obviously then if a complaints process is taking 35 days on an ad that is only up there for 28 days, that has got to be some sort of issue, does it not?

Ms Moldrich: I think what Fiona is talking about is the average. Again what I am talking about is the average. An average campaign on a large-format billboard lasts for 28 days, but a company might buy it for six months or a full year. I think that given the kind of understanding that we have of community standards and the dialogue that we have with the ASB and with our members—this is not something where we don't talk about it constantly—that when the ASB or, in fact, when we see an ad that we think would breach we try to act on it quite quickly. So while you are looking at averages, what you have is a very hypersensitive industry that ends up in inquiries like this where we are very aware of what is going out in that space, we are very aware of not putting extra burdens on our advertisers. So we do not wait, we actually are very proactive in that space

ACTING CHAIR: Just to follow up from that, and the question was asked again earlier and I will just ask for your thoughts on this as well, for those repeat offenders would there be a benefit in having additional penalties, whether they were monetary penalties or whatever the case may be, to encourage them to not push those boundaries as much and put the ads out there that are more likely to be pulled?

Ms Moldrich: I go back to looking at the percentages and the evidence in front of us and I think that from my point of view those rogue advertisers, regardless of whether there were penalties—the two cases that Fiona talked about—having a legislative framework and a regulatory framework in order to catch a couple of people in a network seems to me, as I said in my opening statement, not a great way to spend your money. I actually truly believe that education in media literacy, getting the community behind us in these issues is actually a far better way of dealing with this issue than throwing more red tape, more regulation, at it because then you have to make it

compliant. What's to say that we wouldn't take you to court? So, I think that when you look at 99.6 per cent compliance, then you have to go, 'How do we deal with the .4 per cent?', and my answer isn't, 'More regulation and more legislation.'

Mr BERRY: My name is Ian Berry and I am chair of the Legal Affairs and Community Safety Committee. As you are aware, the legal affairs committee is, separate to this inquiry, considering the specific regulatory proposal contained in the Classification of Publications (Billboard Advertising) and Other Legislation Amendment Bill 2013. So it is clear, the bill is not a government proposal, it is a private members' bill introduced to parliament by the Katter's Australian Party. I have asked the Australian Association of National Advertisers some questions and I will ask similar questions of you. You have also submitted that the classification system proposed in the bill based on films and computer games is inappropriate for billboards. Is there anything you wish to add in relation to that aspect of the bill?

Ms Moldrich: I agree with Ms Bain. We have also had conversations with the Classification Board and the Classification Board are very categorical that the classification system that currently exists, exists for content rather than for advertising material. So, if you were to look at classification, the Queensland government would need to develop their own codes.

Mr BERRY: Is there anything else you would like to add in relation to the Katter's Australian Party bill by expanding on your submission things that our committee ought to know?

Ms Moldrich: I think we have answered those questions and I think that we have also given evidence that the self-regulatory codes work, that we are very in tune with what community standards are and that we do not believe that a classification system will in any way enhance what is currently happening and what you are seeing on this screen. But thank you for the opportunity.

Mr BERRY: That is okay. Of the outdoor advertisers, you represent what percentage, would you think?

Ms Moldrich: Ninety per cent of media display members.

Mr BERRY: I am going to ask you a difficult question and I will even give you the opt out if you so wish, and that is that I understand what you say but is there a point at which self-regulation has failed? Is there a measure by which you think or perceive the community as saying, well, self-regulation really is not working? Do you have any idea about that? It is an open ended one and I am prepared for you to opt out.

Ms Moldrich: No, no, look, I am very aware of the ASB's work. I read all of their determinations. I also read all of their research because it is something that I have to keep across. When you are talking about general community standards rather than looking at standards from a particular mirror or prism I think that self-regulation, and the evidence proves it, is working very, very well. It is very nimble and it is very open to change. I think industries are very responsible to being nimble to that change. So, in my view, I have a very strong view that self-regulation is working for the general community.

Mr BERRY: I would like to put something else to you. Let us say hypothetically you represented 70 per cent of the outdoor advertising market, so to speak, and of that there was a truancy double what you have got now. Would that be of concern to your organisation?

Ms Moldrich: Absolutely, and when it is we absolutely discuss those matters at the board level. So, in 2011 when we were in front of the federal government inquiry, and I was kind of sitting there going, 'Why are we in this position?', I realised that, in fact, it was my responsibility. I had assumed that because my members signed all of the codes that they actually understood what those codes meant. I had to take responsibility and say, actually they do not understand what those codes are because we as an industry association have not done our job as well as we could have. So we developed the education program. So that is what I mean by us being nimble. Because it is not in our best interests and it is not in the best interests of advertisers to be in a controversial space.

Mr BERRY: I understand. Thank you, Acting Chair. I have no further questions.

Dr DOUGLAS: I have one more. We have discussed this point. For the difficult or recalcitrant advertiser who is existing outside the organisation—and there is one large one—they do use the advertising space on certain companies' boards and they obviously get it through subleases and those sorts of means. What mechanisms does your organisation have internally that could stop that process?

Ms Moldrich: I am not quite sure what you mean by subleases. Could you explain that?

Dr DOUGLAS: I will be more specific. AMI is running the third phase of its campaign currently. I live on the Gold Coast. We are seeing lots of it. I am not saying that it is not in other towns, but certainly on the Gold Coast we have a high number of tourists. In the winter season we have a particular type of tourist, mainly from the Middle East. We have a lot of overseas visitors coming here for what is a very pleasant winter. So a lot of these ads are up in very prominent places using advertising space on boards controlled by the major companies 100 per cent of the time usually. It is clearly obvious these boards are being used by these companies, yet it does seem that your members are unwilling to recognise the fact that, when they sublease to a company which advertises offensive material, they are not in part responsible for what is going on.

Ms Moldrich: In answer to that question, our members are very responsible to what is going on. Part of our education process is to say, 'If you sign the codes, then you are responsible for what goes up there.' So I do not think there is any question in my mind, nor my members' minds, that because they have blank space for hire they are responsible for what is put on those boards.

In the case of the AMI ads, the ASB is currently looking at complaints and we have to let that system roll. Some of these decisions are very subjective, and I think the AMI ads are very uncomfortable ads for the community. They are very uncomfortable ads because some of us feel very strongly that it might not be the correct product to be advertised. However, that is not something that we can take into consideration, as Fiona pointed at. What we look at is whether the content of the ad meets the advertising codes. If it does, can it be run? When it is run, a complaint is lodged and that complaint is then dealt with through the system. So you have to let the system run its course. I know that those ads are very uncomfortable in the community but I cannot really make a judgement on the product. I have to make a judgement on the ad. As you know, and as Fiona said, the ad is currently with the ASB for consideration.

Dr DOUGLAS: I am sorry I am belabouring the point, but we heard some very good presentations earlier—and yours is in the same vein—that the Advertising Standards Bureau is in fact very responsive to what is going on. The other presentation from the other body stated that ads are responsive to the target market. Clearly, the advertising being run by AMI on the Gold Coast is not for the target market. We have overseas tourists, 40 per cent from the Middle East with families, who are not consumers of that product. They are not buying cars, they are not buying financial products, and they are certainly not buying this product. It is advertising that is totally inappropriate to what is going on. Yet obviously we cannot get a response from the organisation within time to get that advertising down. It is causing great community distress and it is causing an enormous loss of income to businesses. We are talking today about regulatory standards to be brought in for a very small market. The trouble is that it is causing enormous community angst and it is causing a loss of income to major businesses and small business at a time when times are very tough.

Ms Moldrich: I cannot comment on the advertiser's target audience or marketing. I do not have that information. I also have to point out something that Fiona talked about, which is natural justice for the advertiser. I understand that there is community concern and there is discomfort about that product. However, the reason we are here and the reason we have the self-regulatory codes is to look at not the products but how the products are advertised. While I take your point and I understand the angst, we are also in a position where we have to look at it under a different filter.

ACTING CHAIR: As there are no further questions, thank you very much for your time today, Ms Moldrich. We thank you for your presentation and for answering the questions of the committee. As I mentioned before the break, Associate Professor Mohamad Abdalla, who was due to appear at 12 noon, is unable to make it today. That draws today's proceedings to a close. I would like to thank all of the witnesses who have appeared today as well as Hansard staff, the committee secretariat and my fellow committee members. I declare this hearing of the Health and Community Services Committee closed.

Committee adjourned at 11.51 am