

## ROAD TRAFFIC (VEHICLES) AMENDMENT (OFFENSIVE ADVERTISING) BILL 2022

### *Second Reading*

Resumed from 24 November.

**MR H.T. JONES (Darling Range)** [12.55 pm]: I rise to make a brief contribution to the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. Like other speakers, I mention that it will implement necessary legislative measures to protect against offensive advertising on vehicles in Western Australia. The focus is to address offensive advertising on vehicles that put at risk vulnerable social groups such as minority groups, young people and victims of domestic violence. Advertising on vehicles is visible to all road users, and unlike other forms of advertising, we cannot switch it off or unsubscribe. If people would rather not be exposed to it, they cannot stop it, rather like political signage on vehicles, which is very effective. The overwhelming majority of advertising on vehicles is perfectly acceptable and a legitimate means to advertise a business. There has, however, been some longstanding community concern about sexually explicit, misogynistic or otherwise offensive advertising that has appeared on some vehicles. One example is Wicked Campers, which displayed advertising featuring spray-painted bright designs, often containing derogatory or offensive pop culture references. Of course, its customer focus was on young travellers and backpackers, mostly from overseas. Those people are social media influencers; therefore, they project what could be considered our own values across the world to other people. Of course, that was very effective in quickly raising the notoriety of Wicked Campers and was likely a boost to its business. I am happy to say that it has toned it down and its references to pop culture and television now seem to be from shows like *Breaking Bad* and the completely inoffensive *Scooby-Doo*.

The top two countries that provide short-term visitors to Australia are New Zealand and the United Kingdom, who share our community values, but the third-largest number of short-term visitors, for less than 12 months, is from Singapore. Singapore is famously conservative in its values, with a ban on chewing gum and other quite strict laws on litter, graffiti, jaywalking, spitting, expelling mucus from the nose and urinating anywhere but in a toilet. We can imagine that the Wicked Campers slogans would be considered quite offensive to people in Singapore and I doubt that Wicked Campers would have got away with it over there. We receive many visitors from other conservative countries and those people could be dissuaded from visiting or possibly choosing an educational institution here based upon their perception of what Australian society accepts. I have travelled extensively in South-East Asia and our near neighbours are very conservative. Despite the tourist hotspots in some areas, people there are easily offended and would think twice about coming to Australia.

On the topic of community acceptance, I want to touch on the 2021 election campaign. The battle for Darling Range involved some low-level interference on election signage. My signs were vandalised and drawn on. I have quite a large canvas for people to draw hair, hats or horns on my head.

**Mr M.J. Folkard:** That is a compliment!

**Mr H.T. JONES:** I know! With the absence of a hairstyle, they give me one.

I did have people attack some of my signage. Alyssa Hayden, the Liberal Party candidate and former member for Darling Range, out-spent my campaign on signage. She, too, had some low-level interference with her signage. She also had her signage magnified to fit on a semitrailer that she had hired and had placed on Thomas Road in Byford, which is a very high exposure road. I learnt during pre-poll that her signage had received a disgusting sexist attack overnight. Everyone who drove past could see that she had been attacked in such a horrible way. Her husband, Terry, had to go and clean it up the next morning, which is something that he should not have had to endure. I was totally appalled by that graffiti, and, as her opponent in the election, I feared that I would somehow be implicated in that attack. I am comfortable, to an extent, of clearing myself from political attack. But I am not comfortable with the fact that it was an awful example of the pervasive misogyny that sometimes rears its head, particularly when women seek leadership or are otherwise in the public eye.

I try to promote the achievements of women—but not my election adversaries. Earlier this month, I was happy to host a women in leadership event at Byford Secondary College. At that event, the Minister for Women's Interests, Hon Simone McGurk, MLA, summarised the *Women's report card*, which details the achievements and some of the challenges that remain for women in Western Australia. The second speaker at the event was 17-year-old Ellie Birch, who spoke about role models for young women. She takes her examples from a whole range of men and women of all ages, and picks the best from everyone whom she observes.

The third speaker was Rosie Paine, deputy principal of Sheoak Grove Primary School in Baldvis. She is also an Aboriginal artist of growing renown. Her artwork is featured on Department of Education publications and structures. Rosie grew up in remote Western Australia and faced the challenges associated with generational poverty and lack of education. She was the second person in her family to complete year 12. Rosie is one of the change-makers in her mob, providing an example to others of what can be achieved and raising the next generation, who will grow up without some of the deprivations of the past. Rosie's son Samuel was one of the Follow the Dream students who

visited Parliament House last week. He is a very bright young man with a very bright future. One thing that Rosie said in her speech is that we all need to find a supportive mob in what we are doing—someone who will take us along and promote us rather than tear us down.

I was recently at Byford Secondary College to celebrate the opening of its six seasons garden. The garden features artistic interpretations of the seasons, a walkway, native flowers and bush tucker plants, and a yarning circle. It was made possible by a \$20 000 contribution that I made as an election commitment, and also the contribution of others, particularly the grounds people, who did a lot of the work.

I have spoken previously about the work of Byford Secondary College in supporting Aboriginal students through tutoring and celebration of culture. I have also spoken about the passion of its staff, including Michelle Barrett, who was recognised as the Western Australian Education Assistant of the Year in 2021. Michelle is joined by former student Mitch Merritt, who is also providing a strong mentoring role and was here at Parliament House last week as well.

I also recently visited Beenypup Primary School for the opening of its yarning circle. I was pleasantly surprised with that school's integration of Aboriginal language into the curriculum. The positive engagement and advocacy of Aboriginal culture and language will pay dividends in the student generation. When I was at school 40 years ago, or more, I do not recall anything similar; it was just depictions of Aboriginal people on the Swan River.

I also want to mention Byford man Wayne Ryder, who won the Australian Aboriginal and Torres Strait Islander Student of the Year Award in Adelaide recently. That was a fantastic effort. Wayne is a man who has overcome some rough times in his life to become a respected leader in his field. I hope that this award will give him a platform from which to shout and advocate for his causes.

It is also important to acknowledge the efforts of the Department of Justice to rehabilitate the prisoner population. We must acknowledge the work that is done by the people in Justice and Corrections. That work and effort is not diminished by the challenges faced and the incidents that we hear of. They do great work, and there are many success stories. I congratulate the Department of Justice on winning both gold and bronze at the 2022 Australian Training Awards. The department's prisoner traineeship program, Raising the Bar Behind Bars, won gold in the apprenticeships employer award category. The program has supported more than 4 775 prisoners in the apprenticeships or traineeships scheme and has a completion rate of 70 per cent. The department's Making Tracks program, which opens training pathways for prisoners to help them prepare to enter or re-enter the workplace, won bronze.

After 30 years in the Navy, I am acutely aware of the importance of morale on a team or workforce—without morale, we cannot achieve anything. This is why I have attempted to support and lift the public reputation of the Shire of Serpentine–Jarrahdale. I am particularly cognisant of the great people who work in that organisation. They receive constant criticism, and they are a political football. I publicly support the work that they do, and if I think that something needs to be addressed, I will talk to the CEO or the shire president to find a solution that will improve the lives of people in the shire. I was very glad to see that youth development worker Samantha Wenban from the Shire of Serpentine–Jarrahdale recently made the finals of the WA Youth Work Awards. The Minister for Youth mentioned those awards earlier. To be a finalist is a wonderful achievement and it bodes well for the youth of Serpentine–Jarrahdale.

I also want to mention that I recently joined the Minister for Corrective Services on a visit to Karnet Prison Farm in Serpentine to celebrate 11 detained Aboriginal men who have graduated with a certificate II in civil construction through the Carey Bindjareb project. “Carey” refers to Carey Training, which is part of Carey Group Holdings, Australia's leading First Nation commercial enterprise, and “Bindjareb” refers to the fact that Karnet is on Bindjareb Boodja. Carey Group Holdings was founded by Daniel Tucker, the managing director, who was present at the event, along with the CEO, Moses Panashe, and the general manager of training, Raphael Poole. There have been 90 graduates since the program started in 2019, of which two-thirds are in mining-related employment. That was my first visit to an adult correctional facility. Like anyone else who has not previously been to such an institution, for my preparation I had to rely on television and movies, but I was quickly made to feel comfortable. It had a large canteen area, and was not unlike a Defence establishment. Some of the graduates were big intimidating-looking fellas, but they were all terrified of public speaking. Public speaking is actually a great leveller.

Aboriginal elder Uncle John Alexander had asked me earlier in the proceedings whether I would lead the Yokai. I had no idea what the Yokai was. It is spelt Y-O-K-A-I. I thought I would be polite and said yes. It is essentially a call to arms, or a celebration. I would not scream out the word “Yokai” in the chamber! It was quite moving. There were about 70 people there, and everyone joined in.

I want to mention a previous graduate of the program named John. He was featured on the Channel 7 News story about the event. He was very nervous and did not want to talk publicly. He is now a fly-in fly-out sparky. When he was asked what job he does, he did not say, “I work FIFO and I'm a sparky.” He said that his job is being a father. That is his role. That is what makes him proud. That is what makes him a man in his family.

I am very glad to see these programs delivering real change, particularly to Aboriginal people who have found themselves in prison. This made me ponder my own life. I was born in Wales back in the day. We will not mention the World Cup or the rugby at the moment. I came to Perth when I was 11 years old, in 1978. I was teased a little bit for my accent, but it was not significant. I was essentially integrated into society seamlessly and had every opportunity to do what I wanted, and some opportunities that I did not take. However, I often think about an 11-year-old Aboriginal boy who was born here, one of many generations who have lived on this land, who faced discrimination and untold roadblocks. It makes me think how lucky I am that I came to a new country and was accepted, but it also made me realise that Aboriginal people did not enjoy the same level of acceptance then and they still do not today. They face constant racism and discrimination.

In closing, I did a quick tour around my electorate to show that respect for each other and ourselves goes a long way to improving our collective morale. Although not all disrespect leads to violence, all violence starts with disrespect. This bill seeks to eliminate disrespect. In the case of Wicked Campers, I think it has got the message. I commend the bill to the house.

**MS H.M. BEAZLEY (Victoria Park)** [1.10 pm]: I rise to speak on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. This bill will implement the necessary legislative measures to protect against offensive advertising on vehicles in our state. It seeks to address the issue of offensive advertising on vehicles, the type of advertising that puts at risk vulnerable social groups such as minority groups, young people, victims of domestic violence and women. Women are neither a minority nor inherently vulnerable—quite the opposite—but we are a group that has been targeted by such offensive advertising due to the fact that some companies believe that misogyny sells. I guess it is the vehicle version of clickbait. It is totally unacceptable. This legislation acknowledges that and deals with it.

Advertising on vehicles is visible to all road users. Unlike other forms of advertising, people cannot switch it off, turn the page, unsubscribe to avoid it or, if people are like me, they would rather their children were not exposed to it. As someone who worked in senior positions in marketing and advertising for many years, as well as half a dozen years of owning my own business, I can attest to how effective vehicle advertising is. When I had my business, it was nine months from when I launched to when I could afford to put advertising on my car. I saw a noticeable uptick in my business once I did that. I plastered my vehicle with advertising and it was out on the streets of Perth every day. After 18 months in business, I surveyed my clients to find out how they found out about me. Word of mouth and vehicle advertising were the top two. A surprising advertising fact that many people do not know, but which I certainly took advantage of in my time in the industry, is that 40 per cent of consumer purchasing decisions are made on the commute home from work. Companies know this and are willing to pay the price to be seen on the drive home. Car ads are important to business owners because on a single day that advert can generate as many as 70 000 impressions. This makes it a lucrative business for advertisers and it is why those in our community who decide to make their cars available to advertisers to use as mobile billboards can make around \$500 a month. It is not a bad side hustle, to be honest, as long as the advertising meets community expectations.

Through these transit adverts, as they are often known, companies can reach hundreds of thousands, if not millions, of prospective customers on our WA roads every week. It is a highly cost effective way of disseminating a brand message to a mass audience. The overwhelming majority of advertising on vehicles is perfectly acceptable and is a legitimate means to promote a business. There has, however, been longstanding community concern about sexually explicit, misogynistic or otherwise offensive advertising that has appeared on some vehicles. It has been highly unfortunate, to say the least, that brands like Wicked Campers have used their vehicles to disseminate an incredibly offensive brand message. Wicked Campers has used its vehicles to display slogans that are highly derogatory and offensive to any reasonable person. Being a vehicle, they are not limited to a particular location or audience. These vans are, and have been, on the roads across the length and breadth of our state.

Until this bill, there has not been any legislation or regulation in WA that requires an advertiser, vehicle owner or vehicle licence holder to remove advertising that is deemed offensive from a vehicle. The Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill recognises our community's concern about offensive advertising on vehicles. Failure to implement these legislative measures in WA may result in a vehicle that has had its registration cancelled due to offensive advertising in another state or territory being moved and licensed in WA. I certainly do not want WA to be the dumping ground for vehicles displaying offensive slogans. This bill has been developed and based on the Queensland model, which has proven to be effective in addressing offensive advertising on vehicles. Doing so also means there will be a nationally harmonised approach to this issue. Offensive advertising is pretty obvious to any reasonable person. It includes advertising that uses obscene language that is degrading, that deals inappropriately with sex or violence or, importantly, that discriminates against or vilifies any section of our community. An important distinction needs to be made between advertising and an individual's right to freedom of expression. The government does not seek to erode an individual's right to express themselves freely. The powers introduced by this bill will be limited only to vehicles displaying advertising that is deemed offensive.

The bill contains amendments to the Road Traffic (Vehicles) Act 2012, providing the CEO of the Department of Transport the power to issue a licence warning notice and cancel, suspend or refuse to grant or transfer a vehicle licence. If the CEO receives written notification from Ad Standards that the advertising displayed on a vehicle breaches the Australian Association of National Advertisers Code of Ethics and the responsible person for the vehicle has failed to rectify the advertisement in the prescribed time, which is 14 days from the date, the CEO will issue a warning notice.

It should be noted that Ad Standards' process, together with the new process contained in this bill, will ensure multiple opportunities for offensive advertisements to be removed from vehicles. In other words, advertisers will be given ample opportunity to do the right thing. Although we do not see as much offensive advertising on vehicles on our roads as we used to, it still exists and the fact that it is not currently regulated means that offensive advertising on vehicles remains entirely possible.

Between 2008 and 2012, what is now known as the Australian Association of National Advertisers received numerous complaints about vehicles displaying offensive advertising. In 2014, an online petition opposing allegedly sexist and misogynistic slogans was published and protests about this issue occurred in the Australian Senate. Following that, in 2019 at a meeting of the Transport and Infrastructure Council, all Australian transport ministers, including Western Australia's, committed to a national approach to dealing with offensive advertising on vehicles and the introduction of regulatory measures or other policy instruments to address offensive advertising on vehicles based on the Queensland model. This bill is the result of that agreement and does as agreed.

I mentioned the online petition of 2014. That petition centred on Wicked Campers. I would like to revisit this petition as it was the impetus for the discussion and agreement at the 2019 TIC meeting, and therefore this bill. The contents of this petition articulate why such legislation and regulation is needed. The 2014 change.org petition garnered over 125 000 signatures nationwide and was titled "Eliminate misogynistic and degrading slogans and imagery." I seek forgiveness in advance, as quoting from this petition will mean the use of very unparliamentary language. The petition's owner, Paula Orbea, stated in the introduction of her petition that her then 11-year-old daughter had just seen a Wicked Camper emblazoned with the slogan "In every Princess there's a little slut who wants to try it just once". Ms Orbea stated—I completely understand—that her daughter was upset by this because she felt, as a girl, that the slogan was referring to her, and it made her fear being perceived that way. To be honest, Ms Orbea was very controlled in her commentary. I am not sure I would have been. This slogan is the definition of misogyny, and it made me rile. Ms Orbea listed other slogans featured on Wicked Camper vehicles that make their way into every corner of WA and Australia. It is abhorrent for me to say these out loud, but it is important to understand the necessity of this bill, so here goes: "A wife: an attachment you screw on the bed to get the housework done." "A blow job is a great last-minute gift." "Fat girls are harder to kidnap." "I wouldn't trust anything that bleeds for five days and doesn't die!" An exclamation point is included at the end of the last one, just to drive that message home. It is not just misogyny that has had a run by Wicked Campers, but also racism with slogans like, "Save a whale—Harpoon a Jap". That is more than I can stomach, so that is where I will leave those quotes.

I am sure all members in this and the other place would agree that these slogans are offensive and do not generally belong in our community conversation, let alone emblazoned on vehicles on our roads. As I said, vehicle advertising cannot be tuned out, it cannot be turned off and people cannot avert their eyes from it. I am pleased that my children have seen very little of this advertising as it has been depleting over the last few years, right when my children gained the ability to read. Such offensive and verbally violent slogans are complete anathema to kids like mine who are taught love, equality and inclusivity at home, at school and at their sporting clubs. I have two boys and I work hard to instil in them knowledge of the equality of women, that there is no such thing as a superior sex and that we are all capable of skill and expertise regardless of gender. To be faced with such offensive advertising like that by Wicked Campers sends a message that is the polar opposite of the values that we are trying to encourage in the next generation, and is incredibly damaging to the foundation of our community and its inclusive spirit.

We are moving forward as a community. Our expectations are changing. I am proud of how we grow and progress as a society. It almost goes without saying that this legislation will not impact on the overwhelming majority of vehicle advertising. It is targeted at only the worst examples that have no place whatsoever on our roads. I am pleased that our government is using the levers at its disposal to stamp out such obvious forms of offensive advertising that hurt so many and do nothing to strengthen either our community of people or our business community. I am pleased to commend the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 to the house.

**MS C.M. ROWE (Belmont)** [1.21 pm]: I am really pleased to speak on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. I would like to begin by passing on my sincere thanks to the Minister for Transport for bringing this really important bill to the house. As many members have mentioned, this bill will deal with misogyny in a really impactful way. It is fantastic that the Minister for Transport is using her portfolio to bring about something that signifies how we, as a government, deal with this type of discrimination.

I was recently confronted by one of these stickers on a car. It was 7.30 in the morning and I was going to the public swimming pool with my two daughters who are aged seven and 10. I will not read word for word the sticker that

I saw on the car, but members will probably understand where it is going. It said, “Petrol grunt gets the”—the last word started with a “c”. When I saw that sticker, I felt enraged at the prospect of having to explain what it meant to my two little daughters. I am totally relieved that they did not actually see it, but I photographed it because I knew that this bill was coming on for debate and it gave me a real fire in the belly to speak on it.

This is quite a simple bill. For many people, it would seem to deal with a niche issue. I am not going to quote the advertising on Wicked Campers because, quite frankly, everything that that company does is utterly disgusting and pathetic. The member for Victoria Park made some excellent comments about Wicked Campers, but just hearing those quotes has given me a bit of a rage blackout on the company, so I will leave it there.

The advertising that this bill will deal with seeks to degrade and denigrate already marginalised groups in our community, and groups that are not marginalised—women. We make up over 50 per cent of the population, but somehow we never seem to be treated with equality in this community. As the member for Victoria Park just mentioned, this advertising includes racist slogans and awful language that targets the most vulnerable in our community, such as people of different races and ethnic backgrounds and also those from our LGBTIQ+ community. It is important to keep that in mind.

The bill is designed to prohibit these offensive advertisements. It is not designed to take away people’s licences or vehicles. The bill’s design and intent is very simple: to stop people from putting these offensive advertisements on their vehicles. As other members have already mentioned, when a person drives along a road in a public environment, they cannot turn off the advertising content and they cannot look away because they are trying to keep their vehicle on the road—there is no capacity to self-censor what they see. That is why this bill is incredibly important.

In the eight years since a major petition was put to federal Parliament, all other jurisdictions across Australia have implemented similar restrictions because of the large amount of community disquiet around such offensive advertisements. All other jurisdictions have since dealt with misogynistic, sexually explicit and violent advertisements.

I am not going to touch on Wicked Campers; I think the company is disgusting. But as an aside, when I saw that advertisement on a car at the Belmont Oasis Leisure Centre, I was really galvanised to talk on this bill because of the context in which we live from a societal point of view. What we are presently dealing with may seem like a small issue, but in the context of the very sobering research around inequality that still exists, it really paints a picture that necessitates such a bill. I will quickly reference the *Respect@Work: National inquiry into sexual harassment in Australian workplaces* report that came out in 2020 —

The 2018 National Survey provides a clear picture of the pervasiveness of sexual harassment in Australia workplaces. The results indicate that 33% of people who had been in the workforce in the previous five years said they had experienced workplace sexual harassment.

It is not just a handful of people who have experienced this type of thing. The report further states —

Through the Inquiry, the Commission heard about the way in which power disparities in society, as well as in the workplace, enabled sexual harassment. Overwhelmingly, the Commission heard that gender inequality was the key power disparity that drives sexual harassment. Gender inequality relates to the unequal distribution of power, resources and opportunity between men and women in society, due to prevailing societal norms and structures.

Moving on from that report, research indicates overwhelmingly that those who experience sexual harassment in the workplace are women. But if we drill down further into the research contained within this report, it shows that when other intersectionalities are at play amongst these women—such as being younger, being from the LGBTIQ community, being an Aboriginal and Torres Strait Islander, having a disability, being a migrant or coming from a culturally and linguistically diverse background—they are even more at risk. This points to the fact that those who are most vulnerable are disproportionately targeted in the workplace.

It is important to note that sexual harassment has an enormous impact on a person’s outlook. The report states —

The Inquiry found that as well as having a devastating and profound impact on individuals, workplace sexual harassment also undermines workplace productivity ...

That is a no-brainer; it would be a pretty awful work culture if sexual harassment was going on. This report is an incredibly sobering read. We really have so much work to do in this space, but I would like to touch on younger people and how they are impacted in terms of gender inequality. What do they think about gender equality? This is even more sobering and makes for really angry reading. An article in *The West Australian* of 8 September states —

Being sexually harassed by men is among the biggest worries of today’s teenage schoolgirls with an 11-year-old girl telling a study she feared “being” raped when she walked past an older man.

...

Almost 500 written responses —

That was in response to the report I quoted from before —

described how girls felt unsafe around boys and men, attributed mainly to sexualised staring, sexual harassment, and the fear of sexual assault.

These are children. These are not adults; these are children in a school setting. The article continues —

Some female respondents reported having a general fear of men and sexual assault.

To be clear, these were not children who had experienced trauma or sexual assault. These are just children across the board. The report also states —

Behaviour by men, such as leering in public, created everyday anxiety in girls.

I quote directly from a girl who was 11 years old —

“When I walk past a older man having to fear if I will get raped or kidnapped—because this is what our world has come to today,” ...

This is an 11-year-old girl! The article goes on —

A 15-year-old agreed that older men made her uncomfortable.

“When I’m at the shops or running by myself there’s usually always a man just staring at me or looking me up and down. It makes me feel very unsafe and uncomfortable,” she said.

Some of the girls reported that the male students sexually harassed or assaulted them.

One girl said —

“I have been touched inappropriately by older students,” ...

She was 13. It goes on —

A 16-year-old who was indecent assaulted said she was disappointed her school didn’t remove her alleged perpetrator from their grounds, despite him being charged and arrested.

I have a report here called *Girls’ wellbeing: Insights from the 2021 Speaking Out Survey*. It is not just about how sexualised they are; it speaks to these advertisements that we are trying to ban. They not only are sexually explicit, but also clearly objectify girls and women. There is a quote here from a 12-year-old. She says —

I am teased a lot about my appearance and my body weight. I feel very insecure about how I look and I always try and cover my body so I’m not judged.

These are the fears and the thoughts of children. They are already worried about how they are looked at by the world because there is so much content in the modern context on social media and the like. The children are already inundated with sexualised images; add these horrendous advertisements on top of it and we make them feel like they are nothing but objects.

Testimonials in the report state —

... the boys are disrespectful to all the girls and treat the girls like property Cat call the girls Extremely disrespectful to the girls And the male teachers ... do nothing.

...

I have been touched inappropriately by older students ...

This is also from a 13-year-old girl. I can go on, but I think I have made the point that it is quite plain that we are failing our children. This report is very recent. I have just seen another quote here that I will read out because I think this really drives it home —

Adults can be creepy sometimes, and please don’t give us weird looks on public transport.

This is from a 16-year-old girl. A 13-year-old girl said —

I feel unsafe] when I’m alone in shops or car parks and there are old men catcalling to staring at me, when I’m alone in public in general.

This is the atmosphere that our young people are growing up in. We can overlay that with some of the things that are going on in the school context. I refer to a situation from early this year when seven teenage boys aged between 14 and 17 allegedly groped and indecently assaulted up to 30 girls at a school-organised social event. It was a combined school social catch-up. These 30 girls went off to some social event—maybe it was a disco; it does not say what it was in this article. The boys just received a caution; I find that disappointing. This is the environment that we are dealing with at the moment. A culture that is very prevalent amongst many parts of our community is that young boys and men do not understand consent and respectful relationships as a whole.

I will quote from an article from *The Sydney Morning Herald* entitled, “Entitlement to women’s bodies is an ‘unnamed presence’ in sexual assault cases”. Katrina Marson is a lawyer who has quite a lot of expert understanding around consent because of her work. The article quotes her —

The invisible power that “wraps itself around [some young men] and drives them, though they may not even know it”, is the sense of entitlement to women’s bodies that they feel.

“It’s all the expectations that person [the perpetrator] had; their beliefs, what they were taught and understood about what they were entitled to in that moment when they ended up visiting sexual violence upon someone else.”

The article goes on about the fact that there is a sense of sexual entitlement that is really pervasive amongst young men in our community. That is something that I want to acknowledge. I put on the record that we have the very first Minister for Prevention of Family and Domestic Violence, Minister McGurk. She has done a great deal of work to rectify this through the expansion of the respectful relationships program in our school settings. I think that will go a long way to bringing about attitudinal changes within our community. It is absolutely necessary.

It is not just the sexual harassment of young girls in the school setting that is problematic. On 3 November, it was reported that teachers are now being affected by sexual harassment by students. Young men and boys are especially targeting female teachers. This would be incredibly confronting, especially for a younger cohort of teachers who may be just out of university. The article states—

“It can be offensive comments, and in some instances, it can be threatening comments, like: ‘I’m going to rape you, Miss,’ ...

That is what one teacher said. As I said, that is from an article from *The West Australian* of 3 November of this year. The teacher goes on to say —

... few women wore a skirt to work because if they leaned over a desk, a pupil would be behind them making sexual gestures.

I think this further illustrates the context that we are dealing with, particularly with the sense of entitlement among younger men and boys. Even a school classroom is not a safe place for women, even when the woman is the teacher.

I will make a quick reference to some of the facts. The 16 Days in WA campaign is ongoing at the moment and it is worth acknowledging that, tragically, we still have so much work to do to stamp out domestic violence in our community.

[Member’s time extended.]

**Ms C.M. ROWE:** We know that one in two women have experienced sexual harassment since the age of 15. Last year, there were 3 048 victims of sexual assault in WA—in just one year alone. In terms of domestic violence cases, we know that every week a woman dies at the hands of an intimate partner in Australia. This is all related; if we accept that it is okay to degrade and objectify women and allow misogynistic advertisements, that sets the tone for everything else about how women are treated in our community.

I will leave my comments there and finish off by saying, once again, that I would like to thank the Minister for Transport for bringing this important bill to the house because it just sets the tone: we are not going to look away from this type of behaviour. We are not going to remain silent on it. I am incredibly grateful as a woman, as a mum of two daughters, and, more importantly, as someone who stands here as a Labor member of Parliament. It makes me incredibly proud that we are saying we do not condone any sort of objectification of women. I will end on my favourite feminist quote: “If you’re not angry, you’re not paying attention”.

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [1.41 pm] — in reply: I thank members for their contributions to the second reading debate on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. I also thank the opposition for its support of the bill. I would like to respond to some of the matters raised by the opposition’s lead speaker, the member for Moore. On the topic of whether the bill will be referred to the Legislative Council’s Standing Committee on Uniform Legislation and Statutes Review, I can advise it will not be. Although the bill gives rise to a national approach to dealing with offensive advertising on vehicles, it will not introduce a uniform scheme or uniform laws throughout the commonwealth. All other jurisdictions have now introduced legislative or policy measures to address offensive advertising on vehicles. Each has taken a different approach to reform, having regard to their own legislative frameworks. This bill will provide for unique changes to Western Australia’s legislation so that Western Australia may address offensive advertising on vehicles in a way that is consistent with the national approach.

I would also like to respond to some of the comments made by the member for Moore in his summary of the Department of Transport’s process of dealing with offensive advertising. It is correct that when Ad Standards receives a complaint or referral, Ad Standards will advise the Department of Transport that a complaint has been made

about a particular vehicle. Ad Standards will engage with the advertiser and will not know details of the vehicle licence holder. When notified of a complaint, the Department of Transport will check whether the advertiser is the vehicle licence holder; however, it will not disclose any information to Ad Standards as there is no legislative authority to share such information. If the Department of Transport finds that the vehicle licence holder is not the advertiser, it will notify the licence holder that a complaint has been made about their vehicle, for their awareness and so they can take action to remedy the issue to avoid possible cancellation of the vehicle licence.

If the Ad Standards Community Panel determines that the advertisement is offensive, it will write to the advertiser requesting removal of the offensive elements from the advertisement and provide sufficient time for the advertiser to do so—approximately 25 days. If the advertiser fails to remove the offensive elements within the required time, Ad Standards will notify the Department of Transport, which in turn will notify the vehicle licence holder of the intent to cancel their vehicle licence if the offensive advertisement is not removed within 28 days. If the offensive advertisement is not removed within 28 days, DOT will notify the licence holder that their vehicle licence will be cancelled on a specified date.

The member for Moore knows there are not many vehicles of concern in Western Australia and that this is a good thing. The point of this bill is to stamp out this behaviour for good and deal with any vehicles in the future that display offensive advertising. The government is concerned that the failure to participate in this national approach may result in Western Australia becoming the jurisdiction of choice for licensing vehicles displaying offensive advertising. That concern only highlights the importance of not delaying this legislation, and the government is committed to this national approach. It is important to note, too, that in the past, these vehicles were primarily used by backpackers. Of course, over the past three years, there have not been many backpackers, but we are seeing more coming into the state, so we do not want to allow these vehicles to be on our roads.

The member for Moore also mentioned the size of the advertisements in his contribution to the second reading debate. I can advise the bill does not consider the size of an advertisement and will consider only whether it is an advertisement. That is because only advertisements that can be considered by Ad Standards will be captured by this bill, regardless of the size. The Australian Association of National Advertisers Code of Ethics, which Ad Standards assesses an advertisement against, defines “advertising” as —

- (a). any advertising, marketing communication or material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,
  - over which the advertiser or marketer has a reasonable degree of control, and
  - that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct ...

I mentioned this whole definition to illustrate what ads Ad Standards will consider and note that the definition of “advertising” captures all advertising mediums. However, this bill will address only advertising on a vehicle.

On the topic of bumper stickers and what constitutes an advertisement, I can advise that this bill was not intended to capture bumper stickers. As described a moment ago in the definition of “advertising” used by Ad Standards, the advertising must be something over which the advertiser or marketer has a reasonable degree of control. Once distributed, bumper stickers are no longer in control of the advertiser. Although it is possible that Ad Standards may consider a bumper sticker as an advertisement, if an advertising bumper sticker were found to breach the code, Ad Standards would seek to stop production and distribution of the bumper sticker, rather than deal with the vehicles. The ACT is the only jurisdiction that is not using the Ad Standards process by making its own consideration of whether an advertisement is offensive. The ACT will consider an advertisement that is greater than 297 millimetres by 105 millimetres, which will not include standard bumper stickers, which are smaller.

I thank everyone for their contributions to this debate. There have been significant contributions by many people in this chamber. I am very proud to have introduced this legislation in conjunction with the Minister for Women’s Interests. I think we have all heard the stories. We have all been in situations in which our daughter or son or friends or family friends see some of the disgraceful comments on these vehicles. I never quite understood why a company would do it. It is just awful. I am not sure what clientele it was trying to attract. It was just completely awful and disgusting. I want to make sure that we never see those types of vehicles on our streets again.

I commend this bill to the house.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

*Consideration in Detail*

**Clause 1: Short title —**



**Ms L. METTAM:** As I understand it, WA is one of the last jurisdictions—maybe the last—to commit to the national advertising standards. Have any other jurisdictions run into issues in implementing the legislation’s intent?

**Ms R. SAFFIOTI:** There have been no problems with the introduction of this sort of legislation. There have been nine cancellations in other states.

**Ms L. METTAM:** I understand this bill is most like the legislation that has been introduced in Queensland. Can the minister confirm that there have been no significant issues in Queensland?

**Ms R. SAFFIOTI:** Yes, it is most like the one in Queensland; and, yes, no other significant issues have been raised in that jurisdiction.

**Ms L. METTAM:** Just to clarify, is this uniform legislation; and, if not, what is the justification for it not being uniform?

**Ms R. SAFFIOTI:** No, it is not uniform legislation. In my second reading reply I outlined that it is a national approach but every state has used, in a sense, a different way of banning these vehicles. We have been pretty consistent, apart from the ACT, which has been a bit different in deciding who is the adjudicator of the offensive advertising. It is a national approach but every state has brought in its own legislation.

**Ms L. METTAM:** Further to questions asked in the other place, how many pieces of correspondence has the minister received on this legislation, and which groups wrote to her?

**Ms R. SAFFIOTI:** I do not have that information with me. I remember receiving some correspondence and complaints about the nature of the vehicles. When we made the announcement that we would ban this type of advertising, I got some letters that welcomed the initiative. Sorry, I do not have all the correspondence I have received on this in front of me. I remember it being raised and discussed at some national infrastructure and transport ministers’ meetings between jurisdictions. It was something that everyone very much agreed to do. I think it was just a matter of timing and making sure we could all get our legislation drafted and put in place.

**Ms L. METTAM:** Is the minister able to identify which of the groups that contacted her on this legislation were supportive or not?

**Ms R. SAFFIOTI:** I do not remember seeing any correspondence from people who did not support it. As I recall, a lot of the correspondence was from individual members of the public, frankly. I think some organisations corresponded, but I do not recall. Basically, every bit of correspondence or view that I have seen on this has been very supportive of the legislation.

**Clause put and passed.**

**Clause 2: Commencement —**

**Ms L. METTAM:** What will determine when the bulk of the bill will be ready to be proclaimed, and what other steps are required for this to be done?

**Ms R. SAFFIOTI:** As soon as the bill goes through the other place, all of our systems will be ready to go. I have been advised that no regulations will need to be drafted. As soon as the bill receives royal assent and is proclaimed, it will be ready to go.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Section 3 amended —**

**Ms L. METTAM:** Why was “licence warning notice” not fully defined in clause 4?

**Ms R. SAFFIOTI:** Because that definition is included in clause 9 under proposed division 2. A number of definitions will be inserted under proposed division 2, “Offensive advertisements on vehicles”.

**Clause put and passed.**

**Clauses 5 and 6 put and passed.**

**Clause 7: Section 5 amended —**

**Ms L. METTAM:** When will the regulations for the CEO to grant, renew, transfer or vary a licence be updated?

**Ms R. SAFFIOTI:** They do not need to be updated. They are already in place.

**Ms L. METTAM:** I understand that on page 6, the explanatory memorandum states —

It is intended that the CEO will have the flexibility to be satisfied that offensive advertising has been removed from a vehicle. This could be achieved by a visual check at the time a vehicle is inspected prior to the grant of a licence ... or alternatively by providing a means for an applicant to declare that the offensive advertisement has been removed from the vehicle, along with providing supporting photographic evidence.

Page 2 of the explanatory memorandum gives further detail. Why does this clause refer only to the removal of advertising and not the removal or modification of an advertisement? I can go into the explanatory memorandum.

**Ms R. SAFFIOTI:** It means the same thing.

**Clause put and passed.**

**Clause 8: Section 9 amended —**

**Ms L. METTAM:** Can the minister outline some of the circumstances that might lead to the suspension of a licence rather than a cancellation?

**Ms R. SAFFIOTI:** It is intended that most circumstances will lead to cancellations. This will just give an opportunity and create some flexibility to allow for suspension. In contemplating an example, it could be for a logistical reason; for example, a car might be in regional WA and there might not be sufficient time for it to be inspected or to have the advertising removed, so the licence might be suspended rather than cancelled. That is just an example. It is mainly just to give the CEO some flexibility in enforcing the act.

**Clause put and passed.**

**Clause 9: Part 2 Division 2 inserted —**

**Ms L. METTAM:** I just want to clarify whether aligning with Ad Standards will capture small items such as bumper stickers.

**Ms R. SAFFIOTI:** I explained that in my response to the second reading debate. Size does not matter, but the type of sign —

A member interjected.

**Ms R. SAFFIOTI:** I know! I cannot believe I just said that.

**Mr M. McGowan:** What did you say?

**Ms R. SAFFIOTI:** Do not worry about it. It would have to be an advertisement and not just a normal bumper sticker.

**Ms L. METTAM:** The bill does not define “offensive” but instead allows the advertising code and Ad Standards’ judgement to be the determining factor. Can the minister clarify that and the reason that is the case?

**Ms R. SAFFIOTI:** We do not try to define “offensive” because the key decision-maker will be the Ad Standards board. We are giving it the power to define what is offensive. It will not be up to the CEO to make those decisions; it will be up to the CEO to cancel or suspend a licence.

**Ms L. METTAM:** This section does not explain what constitutes advertising. Can the minister explain what is considered to be advertising for the purposes of this bill?

**Ms R. SAFFIOTI:** I read it out in my response today. I outlined the clause that defines advertising. I can read it again or the member can just refer to the *Hansard*.

Debate interrupted, pursuant to standing orders.

[Continued on page 6175.]