

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

Second Reading

Resumed from 30 November 2022.

HON NEIL THOMSON (Mining and Pastoral) [8.18 pm]: I rise today on behalf of the opposition to speak on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. The opposition will support the bill. We have some comments to make. It is timely that we complete the passage of this bill because it has been on the notice paper for some time. We also see that similar laws in other parts of Australia have been in effect for a number of years. The bill is modelled along the lines of the Queensland act of a similar title, I believe, that has been in place since 2017.

As the minister said in his second reading speech, which the opposition wishes to restate, there is absolutely no place for sexually explicit or misogynistic material in the form of advertising or offensive slogans on our roads. The genesis of this legislation started with the complaint of an individual whose daughter was in their car when she observed some slogans on a Wicked Campers van. That parent had to explain to the child what the slogan meant. That led to a petition of 110 000 signatures and an apology from the CEO of Wicked Campers.

A similar law has been passed in Queensland and other jurisdictions. Subsequent complaints were made about that operator, one as recently as early this year. That is obviously disappointing given that an apology was registered by the CEO of Wicked Campers. Notwithstanding that, to some extent, the behaviour continued. I will make the observation that since the law has been implemented in other jurisdictions and noting that that particular company has a national reach, I have observed less of that advertising. I do not know whether other people in this place would like to comment but one would hope that the impact of legislation in other jurisdictions has led to some level of control and the type of limits that that company has put in place. This legislation is not specific to Wicked Campers; that company is just an example. We know there is a mechanism for the CEO of licensing to revoke a vehicle licence in order to put some sting in the tail, so to speak, for the enforcement of a community standard, which I think everybody in this place would agree to.

The advertising laws are very narrow and very limited. We could say that we all observe advertising. We observe it when we travel down the roads and see billboards. When we go to shopping centres, we see advertising, assuming it is regulated through the shopping centre management. There is probably a little more control in that setting. Certainly with television advertising, one would hope that the standards that are managed through self-regulation and through the Australian Association of National Advertisers' code of ethics, a self-regulation mechanism which this law would depend on, are upheld. We would hope that that process through the broadcasting media would be somewhat effective in shopping centres. But there are parts of our society where it is very difficult to manage and we know it then falls on local government regulations, to some extent. There are still places where advertising is probably a little more predictable—places where families with young children may venture. For instance, just from observation, sometimes the advertising in our nightlife areas could also stretch the limits of community acceptability from time to time.

I want to make a very important point. There is no place on our roads for sexually explicit, misogynistic or offensive slogans that do not meet community standards. The opposition supports the government in introducing this bill, because it will ensure that the state government will have a mechanism by which to intervene through the vehicle licensing process. It is noted that the assessment of whether advertising might be subject to community complaint will not be managed by the Department of Transport but will be reliant upon the Australian Association of National Advertisers Code of Ethics. That code of ethics, which is published online, generally defines very well—although I might raise some question marks about it—what “advertising” means. It states that advertising means —

- (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,

The code of ethics also refers to exclusions. It is important that we know what those exclusions are. We hope that this legislation will be effective. We have the benefit of the experience in other jurisdictions and the spillover impact of that experience in other jurisdictions, given that we live in a national environment. It goes on to state —

- (b) but does not include:
 - labels or packaging for products
 - corporate reports including corporate public affairs messages in press releases and other media statements, annual reports, statements on matters of public policy

- in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel, station or network.

People might like to familiarise themselves with those standards. The code of ethics also provides for a complaints mechanism. That mechanism is administered by AANA's Ad Standards branch. If people note an advertisement that they deem offensive, it will be their responsibility to make a complaint to Ad Standards, and the licensing section of the Department of Transport, through the CEO, will respond to a determination by Ad Standards after a complaint has been made. That same website or portal lists the complaints that have been assessed and determined. I will not repeat the particular ad that was rightly determined not to be appropriate, because I do not think that is necessary, other than to say that it was unsavoury and did not meet community standards. However, as late as 25 January 2023, we were still seeing the same sort of behaviour from the particular organisation that was quoted in the parliamentary secretary's second reading speech.

We know that advertising plays a very important role in our community. We know that advertising impacts our children and young people in particular. The original motivation for this law came into being through the petition of a family who had an incredible amount of support. The petition was a movement in response to advertisements that did not meet community standards. We live in an age of a deluge of advertising and our young people are challenged by this. The results of the Commissioner for Children and Young People's report *Girls' wellbeing: Insights from the 2021 Speaking Out Survey* show that our female young people consistently rate their wellbeing below that of their male peers. They report higher rates of stress and lower life satisfaction and do not feel happy about themselves. That is why we stand together and condemn misogynistic advertising. Those messages impact our young people, particularly our young girls. There is no place for this on our roads. That is why the opposition supports the bill and its intended changes.

I note that the bill has taken an inordinate amount of time to get to this point. I certainly have no intention to delay the passage of this bill tonight, other than to say that this bill did not seem to be a huge priority. There might be reasons for that and that is subject to debate, but here we are, something in the order of six years after the passage of similar legislation in Queensland, upon which this bill is modelled, and I think a similar piece of legislation passed through the Parliament of Victoria in 2019. We are pleased that the bill is here. Tonight, once the bill has gone through the appropriate processes, it will be put into effect. However, a question remains about the overall effectiveness of the bill, given that the legislation will be limited to only the registration of vehicles. The CEO who is responsible for that registration process will respond only to a determination by Ad Standards.

As outlined by the minister, there is no role for the Department of Transport to intervene in the process of assessment or even in the complaints process. I assume that once this law is passed there might be some awareness that will be promoted within the state, and I assume that the department will have some material, whether it be online or otherwise, to notify the community that there is a mechanism that can be used. Often, laws are passed in this place and people are not aware of them; although, we would expect that most fair-minded people would seek it out, through the internet, if they were unhappy about something they saw and fairly quickly identify that there is a process to complain to Ad Standards. We hope that there might be some mechanism by which some awareness could be promoted by the department, possibly through registration notifications or otherwise, so that people are made aware of the change in law. That might be a suggestion I put forward, for everyone to receive notifications. I hope that the department, armed with this new power, provides some advice to members of the community broadly about what mechanisms will be available to them in the future.

To sum up, I will not be long because, as I said, we have no intention to delay the passage of this bill. The parliamentary secretary said in his second reading speech that the model works extremely well. There might be a few questions in the relatively brief, I would assume, process of Committee of the Whole to the extent that might occur. For people who have particular concerns about freedom of speech, this is certainly not a curtailment of any ordinary or acceptable speech that might be occurring. It is, as defined in the section I read out, very much focused on advertising. It targets advertising and making sure that advertising meets community standards. On that point, I will conclude my comments.

The opposition supports the bill. We are somewhat perplexed by the time it has taken, but there are probably some reasons for that. We hope that this will have some effect. The large proportion of that effect may have already occurred because of the good work done in the other jurisdictions. We hope that that message has well and truly got through to those persons who seek to push the boundaries of community acceptability, notwithstanding, as I said earlier, the evidence that it is ongoing from time to time. One would hope that those complaints have reduced to some extent because of the effectiveness of the ongoing work. I commend the bill to the house and note our support for it.

HON NICK GOIRAN (South Metropolitan) [8.37 pm]: I rise to consider this nine-clause bill, the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. When it was read into this place late last year, from memory by Hon Matthew Swinbourn, the parliamentary secretary—yes, I am looking at my notes from *Hansard*;

it was on 30 November 2022. For whatever reason, that hardworking member was responsible for reading in this bill. I was pleased to hear him acknowledge in his second reading speech, about advertising on vehicles —

Unlike other forms of advertising, you cannot switch it off, turn the page or unsubscribe to avoid it, or if you would rather your children were not exposed to it.

Although that acknowledgement from the parliamentary secretary was important and welcomed, I think it is a shame that the government appears concerned only with advertising on vehicles. The introduction of the bill before us begs the question: why not expand this noble focus to include all forms of outdoor advertising in an effort to better protect Western Australian children? If as the house of review we concur with the parliamentary secretary's acknowledgement, it follows that we also as a community cannot unsubscribe or switch off outdoor advertising such as ads on billboards, bus shelters and in shopping malls and sportsgrounds. How are Western Australian parents expected to protect children from sexually explicit or otherwise offensive advertising located in outdoor settings? Why is the McGowan Labor government seemingly prepared to lift only its left pinky finger to help parents when what is required is the full use of this government's left arm?

This bill simply does not go far enough. It relies heavily on Ad Standards to issue a notice to the CEO, who, if I understand correctly, is the director general of Transport. It relies on that external agency Ad Standards to send a notice to the CEO, and as I understand it, it is not obligated to do so. It can send a notice to the CEO but it does not have to. The bill also then relies on the CEO to issue a licence warning notice to the vehicle owner, which he or she is not obligated to do. Before Ad Standards can issue a notice to the CEO, it must first make a final determination about the vehicle and must also believe that the advertisement has not been removed. The question I ask members to consider at this time is: how much harm to children will be caused in the interim before all these steps are carried out? More efficient mechanisms are required to prevent people from exposing children to harmful content. The government has been keen to state and, indeed, restate that both the Minister for Transport and the Minister for Women's Interests had received what was described as numerous complaints over the years asking the state government to stamp out this behaviour, although I hasten to acknowledge that at the time the statements were made, it was in respect of the former Minister for Women's Interests.

On 1 September 2022, I asked question without notice 780 of the then Minister for Women's Interests about how many complaints were received, when the most recent complaint was and what was the substance of this complaint. I was informed by way of a response that she had received six pieces of written correspondence as well as a number of social media messages commentary and informal feedback and complaints that had been conveyed in person, with the most recent, as at the time that the question was being answered, being from the Australian Christian Lobby on 9 June 2021 welcoming the government's decision to ban offensive slogans. As I say, that was on 1 September last year.

I then tabled an e-petition entitled "Protecting children from harmful hypersexualised advertising" on 9 November 2022. I point out that the e-petition was open for only two months. It corresponded with the period I had had that response back from the then Minister for Women's Interests. An e-petition was launched and two months later it was tabled, and it attracted 2 903 signatures in that short time. There is clearly considerable community concern about this issue more broadly than just advertising and vehicles. I note that the government has some form in reacting quickly when petitions gather this number of signatures. My question is whether the McGowan government will also promptly commit itself to protecting WA children from all forms of hypersexualised advertising.

Meanwhile, the Minister for Transport also rightly pointed out in the other place that Ad Standards has no powers to remove offensive advertising or require it to be modified and/or removed. I remember that when I read that last year, I thought that was precisely the point that had been raised time and again by Collective Shout. Collective Shout is a grassroots campaign movement against the objectification of women and sexualisation of girls. It has pointed out that the current Ad Standards process relies on the public to make complaints rather than adopt any preventive measures. We should not be forced to react and wait for women and children to be harmed before we make a complaint. I think Western Australians deserve far better than that.

It is the case that offensive advertising, particularly sexualised advertising, has been demonstrated to harm children and lead to the objectification of women. I draw to members' attention the Royal Australian and New Zealand College of Psychiatrists' position paper released in May 2018. That had to do with the impact of media and digital technology on children and adolescents. I will quote briefly from it at this time, specifically, from page 4 under the heading "Sexualisation of children".

It says —

Sexualisation of children refers to the imposition of adult models of sexual behaviour and sexuality onto children and adolescents at developmentally inappropriate stages and in opposition to the healthy development of sexuality. It encompasses sexual objectification and representation of children in adult or sexual ways and in ways that imply the child's value depends on conforming to a particular appearance,

sexual display or behaviours. Children may also experience secondary sexualisation through exposure to sexualised advertising material and products aimed at adult consumers.

Later it goes on to say —

There is evidence that premature exposure to adult sexual images and values has a negative impact on the psychological development of children, particularly on self-esteem, body image and understanding of sexuality and relationships ...

I should say that this particular issue identified by the Royal Australian and New Zealand College of Psychiatrists in this position paper of May 2018 ought not be news to anybody. In fact, it should not surprise anyone who has followed this issue about these types of concerns. In that respect, I turn to the work of the Australian Institute in 2006 when it said in its discussion paper that children are unavoidably exposed to heavily sexualised advertising, which regularly sexualises adults, but teaches children that being sexy is the way to be successful and feel good about one's self. It goes on to say that the risks involved of exposing children to sexualised advertising are compromising the ability of children to develop healthy body image, pressuring children to look like miniature adults, and impacting their sexual and emotional development to the degree that children focus on sexualising themselves rather than pursuing other more age-appropriate developmental activities, and that a particularly alarming manifestation of exposing children to sexualised content is the increase in the number of children being hospitalised for severe eating disorders at younger ages.

That was from the position paper of the Australian Institute in 2006. As I consider the plethora of papers that have been issued over the years, some six years later, in 2012, former AMA President Dr Steve Hambleton stated that the advertising industry's self-regulation model was not working. He made the following comments in this statement in 2012 —

“There is strong evidence that premature sexualisation is likely to be detrimental to child health and development, particularly in the areas of body image and sexual health,” ...

“The current self regulatory approach through the Advertising Standards Bureau is failing to protect children from sexualised advertising.

“Stronger action is needed to stop this practice of pushing adult themes to young children, especially pre-teen girls.

That was said by the former AMA president in 2012.

Two years later, another study was released. This one is titled *Contemporary girlhood: maternal reports on sexualized behaviour and appearance concern in 4–10 year-old girls*. That 2014 study studied the behaviour of young girls, focusing on potentially sexualised behaviours and appearance concern. It found that young girls are adopting sexualised behaviours usually associated with teenage girls and it found an increased concern with physical appearance.

In March 2016, a review was done of the previous 10 years of empirical research. That 2016 review looked at 135 studies that had been published in peer-reviewed journals. That is the quantum of work that has been done in this space; 135 peer-reviewed studies were reviewed in, I guess, a meta-analysis in 2016. It specifically reviewed these empirical investigations, testing the effects of media sexualisation. It found that frequent exposure to images that objectify women is directly associated with a range of consequences and it listed them as follows: high levels of body dissatisfaction, greater self-objectification, increased support of sexist beliefs, greater tolerance of violence against women, and diminished views of women's competence and humanity. That is what I have described as the meta-analysis of 2016.

Two years later, in 2018, we had the Women's Health Victoria issues paper. It made a number of key findings on the impact of sexualised advertising on gender inequality and women's health and wellbeing. It said that girls and women who are regularly exposed to sexually objectifying media content are more likely to objectify themselves; have increased body dissatisfaction, which contributes to disordered eating, lower self-esteem and reduced mental health; and have a diminished view of women's humanity, competence and morality. It also said that women are perceived as less capable and less intelligent, and that objectifying and sexualised media content is associated with attitudes that support violence against women and a greater tolerance of sexual aggression and sexually coercive behaviour. That is just a quick snapshot of this massive number of reports from 2006 to 2018.

As I mentioned a little earlier, some of us have been expressing concerns about these matters for years. On 11 January 2013, the inaugural Commissioner for Children and Young People, Michelle Scott, tabled a report that examined the sexualisation of children. More than 10 years ago, the inaugural commissioner tabled that report. The report was tabled after the Joint Standing Committee on the Commissioner for Children and Young People referred the issue of the sexualisation of children to the then commissioner and requested that she make recommendations on any specific actions required to be taken by the WA government. I hasten to add that it was my privilege to

serve on the committee at that time. In relation to outdoor advertising specifically as a subset of this work done by the inaugural commissioner on the sexualisation of children, she said at the time —

In the 2008 Senate Committee report on the sexualisation of children in the media, it was noted that outdoor advertising is particularly problematic because it is impossible to restrict children and young people's access to the images and, for this reason, there is an argument for treating billboard and outdoor advertising differently from other types of advertisements.

The former commissioner recognised that a review into Western Australia's legislative powers to prohibit particular advertisements would need to be conducted. In that report, the inaugural Commissioner for Children and Young People proposed —

Consideration be given to referring to the Law Reform Commission of Western Australia a review of Western Australia's laws and regulations that may impact on the regulation of the content and display of billboard and outdoor advertising to determine if there is any scope for Western Australia to regulate the nature and positioning of outdoor advertisements to ensure that children and young people are protected from exposure to sexualised images.

In 2014, the then Western Australian government provided a response to the 2013 report from the inaugural commissioner. It stated that it would be premature to make such a referral pending the release of the commonwealth government's response to the Australian Law Reform Commission's report into the national classification scheme. A body of work had been done by the inaugural Commissioner for Children and Young People. Why? It was because the Joint Standing Committee on the Commissioner for Children and Young People had asked her to do the work. She did the work, a report was then tabled and the government of the day said in its response that it would be premature for it to do anything before the commonwealth government had responded to the Australian Law Reform Commission's report into the national classification scheme. Well, Acting President, no response was ever issued by the commonwealth government and nine years have passed since the state government's response.

Hon Kate Doust: Member, it was a Liberal state government that sat on their hands on that one.

Hon NICK GOIRAN: As I said, it was the government in 2014. The honourable member is making a statement of fact.

Hon Kate Doust: That is right. I just wanted us all to be very clear about who was on the Treasury bench making that decision at the time.

Hon NICK GOIRAN: As I said, member, it has been nine years since that response and 10 years since the inaugural commissioner finalised her report into the sexualisation of children.

It was agreed by the Joint Standing Committee on the Commissioner for Children and Young People that there was concern amongst parents and in society more broadly on the issue of the sexualisation of children and further policy work could be undertaken—yet to date, it appears to me, across multiple governments, nothing has been done. As the current member for Kingsley rightly said in the other place —

As a community, we have a responsibility to ensure that our young people are getting good, positive messages about themselves, about their bodies, about what they can do with their bodies ...

She went on to say that children —

... need to learn that they can use their minds or use their bodies for sport for their talents to be appreciated. We should not reinforce that the only way of appreciating a young person is how they look or what they can do in a sexual way or in a situation in which peer pressure and social pressures force them to undertake activities they would not normally participate in. The problem with the proliferation of this type of messaging not only online, but also on the road is that there is nowhere for them to escape.

“On the road”—remember that what we talking about here is so-called offensive advertising on motor vehicles on the road. The point I make is that as we continue along the road, there is all this outdoor advertising; what are we going to do about it?

The current member for Kingsley also reminded us that the genesis of this legislation was a change.org petition to ban offensive advertising on Wicked Campers campervans. In 2017, a change.org petition was launched against porn-style advertisements displayed in shopping centres. It attracted about 80 000 signatures. According to Collective Shout, Ad Standards has upheld more than 60 complaints against Honey Birdette. What happened? Nothing. By the time the complaint was upheld, the store had taken down the ad and replaced it with yet another sexualised campaign. As a recent example, last year during the school holidays, Honey Birdette displayed an ad featuring a woman's exposed genitals close to a children's school holiday event at Lakeside Joondalup Shopping City. The ad was so offensive that Ad Standards found the image to be overtly sexual and not appropriate for the relevant broad audience, which would likely include children. By the time the ruling was made, Honey Birdette's

offensive campaign had already ended and the damage had been done. This is why I keep saying that attention must also be given to all forms of outdoor advertising, not just the advertising on vehicles that the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 deals with. This bill is a test as to how committed we really are to empowering girls and young women.

I might add that my concern throughout this time has also been for victims of sexual abuse and the re-traumatisation for them when this kind of garbage is allowed in public spaces. The bill seems to send the message that offensive advertising is unacceptable only if it is on a vehicle whereas hypersexualised outdoor advertising should be unacceptable—full stop. I believe that we have a duty to protect children from harm, but we also have a duty to protect victims of sexual abuse from avoidable instances of being re-traumatised.

As my colleague said, the bill has the opposition's support; it has my support. I reiterate that it does not go far enough. There will be those who will say that it is a good first step—perhaps—but I plead with the government to give due consideration to how serious we really are about this particular issue if all we are going to do at this point is look at this type of advertising on vehicles and not outdoor advertising.

HON DAN CADDY (North Metropolitan) [9.03 pm]: I also rise to speak on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022, which, as Hon Nick Goiran said, was read into this place on 30 November 2022. I will not be as broad-ranging as my friend Hon Nick Goiran was in his contribution. I will stick to the specific issues around the bill and the intent of the bill. It was good to hear from the first two opposition speakers that the opposition supports the bill. That is hardly surprising given that there has been bipartisan support on this issue. I will talk on that later and I may also pick up on self-regulation, which is something that Hon Neil Thomson spoke about. I will talk more generally about community expectations as well. The Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 reflects community expectations. Members have gone through the history of this bill, but it comes to us as a result of specifically an issue with the advertising used by Wicked Campers. The issue has now been with us for almost 10 years. Hon Neil Thomson said that he was surprised at how long it has taken for this bill to come to this place. I make the point, which follows up on a similar point made by Hon Kate Doust, that when this became an issue and was being discussed federally, members opposite still had three more years to go on the Treasury bench. Anyway, the bill is in front of us now.

I want to talk about advertising, but advertising is not the keyword in this. The keyword is “offensive”. Before I talk about advertising in general, let me touch on and have a look at the word “offensive”. Offensive means to be insulting, rude, degrading or derogatory and it can be something that hurts or wounds another. We often hear people who use offensive language justify that behaviour through pointing to those offended and saying, “It’s only a small group that are offended and most people are not offended.” That is an appalling sentiment. Just to be clear, offence perceived is all that I need. I bring that up as a salient point because it is a special type of offensive behaviour—in this case shrouded as advertising—that manages to offend such an enormous cross-section of our society. We have heard that from not just people within this chamber or those on this side. The left of politics, we on this side, are appalled and we find it offensive. The Greens in other forums have expressed their disgust. The former shadow Attorney General Hon Michael Mischin, a member of the Liberal Party, is on record having written to express his disgust. Parents across the entire country have expressed their disgust at this advertising. As my friend Hon Nick Goiran brought up, and the Leader of the House mentioned it previously also, the Australian Christian Lobby has also complained in writing about this. It is not often that we see such a cross-section of society united in furious agreement about anything. That is why I make the point that it is a special type of offensive behaviour or offensive conduct that leads to this gelling right across our society.

Advertising in and of itself is an interesting industry. Advertising is pervasive and many people in the industry would say that that is exactly the point. Members in this place would be aware that for the bulk of the decade that I was not directly involved in politics, I ran a branding agency with my business partner whom I have lauded in this place previously—a fantastic woman. We did not necessarily create original content—sometimes but not often—but we were at the table for rebranding and brand recognition conversations. We created style guides and put together those elements.

Hon Darren West interjected.

Hon DAN CADDY: Correct, Hon Darren West. This led me to have a very keen interest in advertising, in not only the industry as a whole, but also the tactics, meanings and messages and how they work. Due to this interest, I had a keen interest in a television show called *Gruen*. I am not sure whether it is on television any more. Some members may have seen it on ABC.

Hon Dr Steve Thomas: The repeats are still on.

Hon DAN CADDY: The repeats are still on; there we go. It is fascinating. I speak about this show with a purpose. Those who have seen the show will know that there was a segment at the end that featured two competing agencies. The producers usually picked some odd or obscure concept that needed to be promoted, the two agencies pitched

the concept and the panel of analysts who were sitting there looked at it and decided what they wanted. I distinctly remember one occasion; I do not actually remember what the topic of the pitch was, but I remember the analysis of it. One of the panel regulars—I am not sure whether it was Todd or Russel—sat there and said, “It’s too much. You don’t need to be crude to be clever.” What we are talking about today in the debate on this bill and the history of Wicked Campers takes that concept or those words far further. This is far beyond being crude. People do not need to be offensive to be funny. In fact, the type of offence that we are trying to strike out with this legislation is more than crude and far from funny.

I was reflecting on this. It would have surprised my 35-year-old self if I had been told that we would be standing in this place—I mean, I would have been surprised as a 35-year-old to be told I would be standing in this place, but that is another issue—having to pass a bill to enact legislation to prevent this sort of thing or any form of offensive advertising. I think that I would have quickly made the point that market forces and public opinion would make sure that this legislation is not necessary, and that the self-regulation of the industry that Hon Neil Thomson spoke about would have seen to this long ago, long before legislatures around the country needed to engage themselves with it. My 35-year-old self would have been very wrong. Clearly, as we have seen, these laws are needed. Clearly, there has been no self-regulation. We may ask why that is. We have laws against false advertising. In the age of the internet, we now have laws against people giving false or fake reviews for restaurants and all sorts of things. These issues are damaging. False advertising can be damaging to an individual who may be hoodwinked through deliberately deceptive advertising. The advent of fake reviews in the age of the internet can be extremely damaging to businesses. I mentioned restaurants before. Their bottom line can be affected; in fact, small commercial ventures can go out of business. However, where we are at with Wicked Campers—I keep going back to Wicked Campers, but that is where this started—is well beyond that. These are explicit, loaded and misogynistic slogans. In fact, calling them “slogans” is not right. They are too base to be called slogans. If we call them slogans, I think we lessen what they are. They are just words written to reinforce misogynistic and sexist attitudes. As others have mentioned in this chamber and in the other place, they also expose our children to those attitudes. This point was not touched on by previous speakers. Some of these words or expressions that are painted on the side of these vans also have the potential to trigger people who arrive upon them. Because of what they are, because they may be anywhere and because of the billboard nature of them, which has been spoken about, people come upon them unexpectedly. They may trigger those who have previously suffered abuse at the hands of a stranger, of someone known to them, or sometimes even of a family member. This can be devastating for those people as it can trigger memories of often gender-based violence. I will not explore GBV in my contribution tonight. For anyone who is interested, my good friend in the other place the member for Cockburn spoke at length about gender-based violence; it is worth reading the *Hansard* to see what he had to say. This potential trigger is before we even look at what has been put on these vans.

As others have pointed out in their contributions—I note Hon Nick Goiran acknowledged this, but then went on to say that he was not completely happy with the scope of the bill—the signage is particularly intrusive because vehicles are moving billboards. As has been said by many others, including Hon Nick Goiran and Hon Matthew Swinbourn, they cannot be turned off like an advertisement on radio or television. You cannot simply swipe them off the screen. You cannot block the advertiser. You cannot block those sorts of advertisements on vans like you can on a phone or some other digital device. When it comes to stopping children from viewing what is on the vans, as any parents in this chamber would say, there is no way to do that, because the minute you say to your kids, “Don’t look in that direction”, they will devote the next hour to looking in the direction you have told them not to look. There is absolutely no way around that. This goes to the protection of children. Children are the most vulnerable in our society. If parents find themselves behind one of these vans on the road, there is no way they can stop their children from seeing what is written on them. They may be stopped at a truck stop and be next to it for a time, as it is not moving. Worse still, a family that enjoys camping might arrive at a camp site and be stuck for 24, 48 or 72 hours with one of these vans. It is impossible to block that out. It is therefore appropriate and necessary that the state uses its legislative power to outlaw or prevent such advertising. Indeed, as has been mentioned, many other jurisdictions have done the same.

This next point goes back to the advertising being on vehicles: there is no mechanism, as yet, to regulate what is written on vehicles. This is really a loophole in advertising laws, but it also goes to the reason that it has not been self-regulated—there is nothing in place. Hon Nick Goiran talked about other signage. It is very different from me wanting to put signage on my building. Let us say McDonald’s is building a new building. McDonald’s has significant signage and some of it is quite tall. If McDonald’s wants to put up its signage, that signage will usually need to be approved by the relevant local government authority—not just the size but also what it is and everything along those lines. McDonald’s restaurants are normally situated on main intersections, so Main Roads WA, which has spent a lot of time looking at signage lately, would have some say, as a regulatory authority, on what is put there. We have seen digital signs on buildings and all sorts of things that local governments, Main Roads and everyone looks at. There is a long list of regulation for roadside signage and the space for roadside signage, but there has been a clear lack, until now, of any regulation in the space that this bill is seeking to address.

I want to talk a little about standards and what society expects. As a global society we are, in the main, outraged when individuals express out loud sentiments similar to what we sometimes see on the signs written on these vans. I will not go into any specifics or repeat any details but everyone in this chamber would absolutely be familiar with the deplorable language and sentiments expressed by a former US President. The world, almost as a whole, was outraged when we became cognisant of his language, expressions and, quite frankly, the way he thinks.

However, if we want to go to the horrors of misogynist language, we have seen some very damaging comments in this country as well, around one of the greatest AFL photos ever taken: the photo that was taken of Tayla Harris. I played AFL from the age of six to 26; I was never very good, but I can tell members that I would have loved to have been able to kick the way she kicks. That was incredible. She was an amazing player and it was an incredible photo that should have been celebrated. However, once again, we saw some of this language, and society as a whole came together and said, “This is not good enough. We do not accept this.” This is exactly what we are doing with the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. This bill has come about as a result of community expectations. As a society, we condemn that sort of language and we condemn any public expressions of any similar sentiments. We have done so for a long time, and rightfully so, and we are getting better at it. As I have said, it is therefore apt and necessary that we pass this legislation.

I want to have a brief look at the history of this issue. I have spoken a lot about Wicked Campers, and although that company was certainly the catalyst for this bill, it will now apply to any and all licensed vehicles on Western Australian roads. The history of Wicked Campers goes back to 2014, so that is nearly 10 years ago. Hon Nick Goiran spoke about a petition that he tabled in this place that had nearly 2 600 signatures, I think he said. The petition that was tabled in the Senate had more than 100 000 signatures, and that was only about Wicked Campers. Members will remember that there were also protests in the Senate.

Obviously there was a process to go through to adjust this legislation in the right way, and the best mechanism for regulating it sat with licensing, which is a state issue. We now see ourselves, at the state level, putting this legislation through, as other states have done before us. There is also a process in this legislation to grant procedural fairness. I believe it is fairly lenient, in my opinion, but there are opportunities for the owners of these vehicles—or any vehicle that is deemed by the Ad Standards community panel to have crossed the line—to rectify the offensive material. They can remove it or they can paint over it; there is a whole lot of things they can do. In some cases, they may even be able to amend it. This is a fairly easy law to not fall foul of, I would have thought. This came to our attention nearly 10 years ago and has been a topic of discussion and legislation in different legislatures around the country for nearly 10 years.

I bring to the attention of the house an article that was published last year, specifically about Wicked Campers. This goes to the heart of why the industry has not self-regulated and why that company does what it wants to do. The article is from 2022, less than a year ago and eight years after all this started. Hon Neil Thomson might have touched on this in his contribution to the second reading debate. Before I get to that, included in the article is a photo of a Wicked Camper van, which is there to demonstrate the offensive language. The offensive language in this picture is written on the back of the van, and we can see it written out in full. Ironically, on the side of the van is another message that is not even the topic of this article, and that one had to be pixelated out. That shows members how appalling this language is. This particular slogan was described by a complaint as a “strong transphobic slur that is very offensive.” I will read this couple of paragraphs into *Hansard*, because this article also picks up on a topic that a few members have spoken on for different reasons during this week—me being one of them. The article states —

“Trans ... people are at very high risk for poor mental, health, self-harming and suicide attempts. Around 3 in every 4 trans young people have experienced anxiety or depression. Four out of 5 trans young people have ... engaged in self-harm, and almost 1 in 2 trans young people have ... attempted suicide (48%). This is primarily because of how the world perceives and treats trans people. Having a vehicle driving around with a transphobic slur is perpetuating this.”

Wicked Campers did not provide a response to the complaint.

When considering whether the advertisement was in fact in breach of Section 2.1 Discrimination or Vilification, the Ad Standards Community Panel found the slogan to be “derogatory and vilifying towards transgender individuals” and “not considered humorous or acceptable by most reasonable adults”. With reference to Section 2.4 Sex/sexuality/nudity, the Panel found that the advertisement did refer to both sex and sexuality was “not appropriate for the back of a mobile van which is available to be seen by a broad audience, including children”.

This goes exactly to what I was saying before, and what other speakers have spoken about. The article continues —

While the Panel upheld the complaints and found the advertiser to be in breach on both counts, Wicked Campers is yet —

At the time of writing this article —

to provide a response.

It is the first Ad Standards breach in three years for the ... company, which faced a national crackdown in 2019 ... which had upheld 15 complaints against the company in 2018.

That is 15 complaints, five years after this started. The company had five years to get its act together, and we are still sitting here reading contemporary articles that are less than a year old about the appalling conduct of that company. I am aware that other members want to speak on this, but this article, this continual breaking of the rules and lack of any social decency by this company, is exactly the reason why we need to pass this bill. It is an excellent, necessary bill that will have an immediate impact. I commend the bill to the house.

HON KATE DOUST (South Metropolitan) [9.27 pm]: I thank my colleague for having referenced that last article that I will come back to as it is a very useful reminder of why we need this legislation. I am very keen to make a few comments on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022.

Firstly, I want to thank the Minister for Transport, Rita Saffioti and former Minister for Women's Interests Simone McGurk for having pursued this issue vigorously to get this change through. I want to talk about the Wicked Campers issue. Victoria Park is obviously full of car yards and hire yards, as anyone who lives in Victoria Park would know; I know a few of us in this chamber do. Going back a few years ago now, I recall a particular car yard that rented out Wicked Campers. It was always an eyesore. I can recall being very shocked at the visual images portrayed on these vans. In those days, probably going back 10 years, my children were a lot younger. I say to those members who talked about this advertising being offensive to children that it is pretty offensive to me as a grown woman. This legislation is not just about dealing with the removal of offensive, visual, derogatory advertising to protect children; I am pleased to see that it will be removed to protect me and other women. When we think about it, again targeting this company, what kind of mindset would a businessperson have to put up visually derogatory imagery in the worst and crudest of forms to attack women, to use language that debases women in society and that attacks minority groups in various ways, shapes and forms that in some cases has taken a particular political stance of anti-environmental or, as the example Hon Dan Caddy provided, an anti-trans approach in their advertising?

I looked up this company online. These vans still function; they are still on the road. For \$29 a day, I think, people can hire a van. They are cheap and nasty—the emphasis being on “nasty” in how this company presents itself. This company is not isolated to operating in Western Australia; it is an international organisation. The reality is that whatever states and territories have tried to do across our country to shut down this type of crude and derogatory approach to women and others, that is not to say it is still not happening in other places. It is not just about the business that uses this crude approach to promote its product. I often wonder about the people who hire them. If someone were that desperate to hire a van, I am not too sure how they would feel driving around in a vehicle that presented in an awful visual manner, particularly a woman.

This bill is a short, blunt instrument, if we like, of nine clauses. Reference has been made to how long it has taken to get to this Parliament. I say to my colleague across the chamber that quite often, given the nature of these types of bills, discussion may have been had or decisions may have been made in a COAG-type arrangement or in a ministerial roundtable meeting, and they do take a long time. Unfortunately for us, Western Australia always seems to be the very last state to move on this type of legislation. Queensland and South Australia seem to be the first to jump on the wagon to get the ball rolling.

Hon Neil Thomson interjected.

Hon Lorna Harper: Shoosh!

Hon KATE DOUST: Members, I do not need any support; I am sure I can manage Hon Neil Thomson. Obviously, I would imagine that COVID would have slowed down the processes as well. At the end of the day, we are here now. This bill is about behaviour modification, with a very blunt club, using the company Wicked Campers as a leading example of how not to do things appropriately. Hon Dan Caddy is right; that is just a trigger to drive home the message to any other player in the mobile advertising space that this type of advertising is not acceptable on any level. It is not just about the expectations of the general community. I do not know whether Wicked Campers was being creative or humorous but I cannot think of any person who would find its imagery funny, attractive or amusing or something that stands them head and shoulders above anyone else. It is just offensive in anyone's dialect. Hopefully, we will not see them again.

It is interesting to note that after a period of time, that company must have thought that people had forgotten and thought it would be acceptable—I cannot work out why—to try a different tactic or attack another group in the community. It could not have a go at women anymore, so it decided to go another way. It will be interesting to see how that will be dealt with once this legislation gets through this place, given that the company is still functioning in this state. It has obviously kept things pretty tame since this legislation has been rolling out in other states. I looked at its website again today and note that the company still has the opportunity to move its vans across different states. Australia does not

have the American system about crossing state lines; people are able to move quite freely between our states. Thankfully, most states are about to reach the point that this type of visual will be banned, so if that company has not already shut down that negative and offensive type of advertising, it will have to bring out the cans of spray paint pretty soon.

I must say that I read an amusing story about something that had happened before the rules were changed. It was about a woman in the New South Wales Country Women's Association who took such umbrage and offence at a particular image on a Wicked Campers van that she went into a hardware shop of her own volition and purchased a can of spray paint and covered up the image. She could not bear the thought that whatever was painted on the van at the time would be displayed out on the roads. I would hate to think that we would have to resort to that, but all power to her for doing that.

I listened to the discussion from our colleague across the way, Hon Nick Goiran, about the broader issue of hypersexualised advertising. This is not a new issue. I am pretty sure that we have had debates in this place previously on this issue. I acknowledge Melinda Tankard Reist from Collective Shout, and other people like her who have been vigorously working in this space for more than 30 years. I think it was called Australian Women's Forum prior to being called Collective Shout. This is not a new issue for that group. Hon Nick Goiran raised some very valid points. As a parent of girls and a grandparent of very young girls, how women are portrayed in the media is a significant issue and one to which I have given a lot of thought. I acknowledge that this is also a significant issue in outdoor advertising. We see some pretty awful stuff on the roads on billboards and other places. If we want to go down this path, let us have a proper discussion about how women are portrayed in the media. Let us talk about magazine advertising. I can tell members that there is some awful imagery in which women are portrayed in very inappropriate sexualised visuals to promote all sorts of products. I can never work out how a woman in a bikini can possibly promote pet food, a particular type of sneaker, perfume, building products or fishing.

Let us talk also about music videos and the language that is used in music. I was recently in Milan and had the good opportunity to go to an opera at La Scala. What I thought would be a lovely evening turned out to be a performance of the very serious German Strauss opera *Salome*. It was presented in a fairly minimalist 1930s style and I came away thinking how depressingly awful it was and how dreadfully it portrayed women. I said to my husband that we have done that and we do not have to do it again. It would be useful to have a discussion about how women are currently portrayed in a range of media in ways that at first might not be as highly visual as what we are talking about tonight; people might have to open up a magazine or perhaps *The West Australian* to see such an image.

Some of the imagery in *The West* is not exactly attractive or supportive of women. I understand where the member is coming from on those issues. I know everyone in this room has concerns about those issues but I think that is a separate debate. I think it is a debate we should have but at a different point. I am sure that the Leader of the House who is now the Minister for Women's Interests will have plenty to say about some of those issues in due course. I cannot even say it is hypersexualised; it is just porn. It is crude, rude, rough and unacceptable. Women are still battling to get rid of those images. We had International Women's Day on 8 March, only a week or so ago. Many members went to any number of events over that day or it seems to be for a week or so now. There was some discussion about whether we really need to continue having International Women's Day and all those events. When we are talking about things like we are tonight, I have to say yes. We still need to acknowledge there are serious issues in not just workplaces and homes, but also a whole range of spaces in how women are depicted, talked about and presented and what we can do to deal with that.

That is why I think it would be interesting, not necessarily today or tomorrow but at some other stage, to have a fulsome discussion around what we can do to reduce that negative presentation of women across media, whether it is on a billboard, on a van, in a cinema, in a magazine or in a hip-hop video. I used to go to a particular gym, which I think the Leader of the House used to visit occasionally as well. The one thing that really offended me was the fact it was a women's only gym but the only music it seemed to play was very anti-women, talking about women in very derogatory terms. It was very —

Hon Sue Ellery: Doof doof.

Hon KATE DOUST: What is that American one—hip-hop-type music that seems to be not terribly pro-women? Is it rap?

Hon Darren West interjected.

Hon KATE DOUST: Thank you; yes, it was. I found it quite offensive that there was this really derogatory music with anti-women language in a women's only gym. I think there is a lot of work to be done in that space.

I have some sympathy for where the member was going, but I do not think this is the bill to deal with such a broad issue. This bill is very tight in its scope and how it seeks to modify the behaviour of businesses to reduce the way they portray women or promote their product in a derogatory fashion towards not just women but also a range of other people and groups, or issues. In that regard, I think this legislation is a very positive step. It may not be the be-all and end-all. Other things may need to be done further down the line. Legislation can be improved only as

we become aware of how well it is working or not working in some cases. This is a positive start to making that change, using the example of that company. It sets out a very clear message to all other players in the space of on-road advertising that to promote themselves in a way that organisation did is simply not going to pass the pub test at all. It is offensive in anyone's terms. It does not matter which gender you are or whether you are a parent; it is just not on.

I am probably going to run out of time. There are a few more things I want to add about how the legislation will be managed once it is agreed to. I am looking at the clock and thinking whether I have another minute or two to go.

The PRESIDENT: One minute, member.

Hon KATE DOUST: One minute; that is fantastic, thank you.

Regarding some of the practicalities, members have been through the fact that the matters will be dealt with by the Ad Standards group. It is a gathering of two separate organisations and it will make recommendations to the CEO. The bill is very clear that it is not about cancelling registration; it gives people the opportunity to change, adjust and correct the error. I note that the ACT and, I think, the Northern Territory have taken a particularly hard line in their legislation, whereby they do not re-register a licence that has been cancelled because of this.

Debate adjourned, pursuant to standing orders.