



## SUBMISSION TO

### House of Representatives Standing Committee on Social Policy and Legal Affairs

### Inquiry into the regulation of billboard and outdoor advertising

The Australian Council on Children and the Media (ACCM) welcomes the opportunity to provide comment to this House Inquiry.

This brief submission has been prepared for the Australian Council on Children and the Media by Prof. Elizabeth Handsley (a specialist in media law as it relates to children), and Barbara Biggins OAM, CEO

The ACCM would welcome the opportunity to expand on the issues raised, at a later date.

For further information, please contact Barbara Biggins at above address.

## 1. INTRODUCTION

The ACCM is a not-for-profit national community organisation whose mission is to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children.

ACCM has a national Board representing the states and territories of Australia, and a comprehensive membership of organisations and individuals who support its mission.

ACCM's core activities include the collection and review of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

More about the ACCM can be found at Appendix 1.

## 2. THIS SUBMISSION REFLECTS THE FOLLOWING PRINCIPLES

### 2.1 The International Convention on the Rights of the Child Article 17, viz

"States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production of, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority groups or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Article 13 and 18."

**2.2** The Code under the Classification (Publications, films and computer games) Act 2005:

"Classification decisions are required to give effect to the following principles which are set out in the Code:

- (a) adults should be able to read, hear and see what they want
- (b) minors should be protected from material likely to harm or disturb them
- (c) everyone should be protected from exposure to unsolicited material that they find offensive, and
- (d) the need to take account of community concerns about:
  - (i) depictions that condone or incite violence, particularly sexual violence, and
  - (ii) the portrayal of persons in a demeaning manner."

**2.3** The Policy Guidelines on Children's Media of the Australian Council on Children and the Media.

**3. IN THE PREPARATION OF THIS SUBMISSION, ACCM HAS**

- relied on its experience and active involvement in issues related to healthy and safe use of all media
- listened to community concerns about some billboard content
- Drawn on its ongoing activity of reviewing the current research literature as it relates to the impact of media on children.

**4. SUMMARY COMMENT**

The current self-regulatory scheme for advertising is not effective in meeting community concerns. A system is needed that includes legislative regulations with sanctions attached, administered by an independent government body that is unconnected with the advertising industry. These regulations should be focussed on matters which are shown to have the potential to harm,

## 5. COMMENT ON TERMS OF REFERENCE

“In performing its functions in relation to this reference, the Committee will consider:”

### 1. the existing self-regulatory scheme for advertising

As the Committee would be aware, there are no sanctions under the existing self-regulatory scheme.

The experience with the Advanced Medical Institute (AMI) billboards shows the flaws in this scheme. Advertisers are quite free to thumb their noses at the Advertising Standards Board if they perceive it to be in their interests, just as AMI did by failing to take their billboards down, but rather plastering ‘censored’ across them.

It is ironic that billboards and outdoor advertising are one of the least regulated forms of advertising under our legal system, considering that they are the hardest form for consumers to avoid if they object. (Compare television, radio, magazines and newspapers, direct mail.) Another form of advertising that is subject to very little regulation – in fact even less than outdoor advertising – is packaging, which even the industry codes do not cover.

### 2. whether the current arrangements, including the Industry Codes administered by the Advertising Standards Bureau, meet community concerns about billboard advertising

The ASB appears to have been taking positive steps towards gauging community standards. However the system has significant flaws: it relies on consumers to complain, and the criteria applied under the Codes are quite narrow, and focussed on what might be offensive rather than what might be harmful (especially to children’s development).

It would be preferable to have independent monitoring by a body such as the Australian Consumer and Competition Commission, and criteria that go to the root of community concerns about sexism, sexual objectification and sex-obsession, rather than merely depictions of sexual activity or nudity.

The present system has shown a failure to come to terms with the grounds for community objections about sexualised advertising. It is not that parents do not wish their children to see the word ‘sex’ on billboards. It is that parents want to be able to choose which aspects of adult sexuality they discuss with their children, and at which stage of their children’s development. In particular, parents of young children probably do not want to discuss why some sex might last longer than other sex, and why one might see that as a bad thing.

Nor do the current arrangements address concerns about the sheer volume of certain kinds of advertising. It tends to treat each billboard as an isolated instance, whereas the effect is cumulative. One woman-objectifying campaign would probably not be a problem; the problem is that there are so many campaigns, and have been for so long.

### 3. trade practices and fair trading legislation in all jurisdictions that contain consumer protection provisions that prohibit false, misleading and deceptive advertising

These go only a small way towards addressing community concerns, which are less to do with false, misleading and deceptive advertising and more about the values that advertising propagates eg sexism, sexual objectification, sex-obsession, the linking of

social value and success to sex appeal or a very narrow and unattainable version of female beauty.

#### **4. technical developments in billboard advertising, if any**

No comment on this.

#### **5. the rate and nature of complaints about billboard advertising**

It would be deceptive to use this as a measure of community concern. It will not reflect, for example, widespread but relatively low-level concern. It must also be noted that consumers can become inured to certain kinds of advertising if these are ubiquitous, and also be afraid of appearing to be a 'wowsler'. They might not know where to complain, or may simply think it won't do any good to complain.

#### **6. any improvements that may be made to current arrangements**

There should be legislative regulations with sanctions attached, administered by an independent government body that is unconnected with the advertising industry. These regulations should be focussed on matters which are shown to have the potential to harm, for example by reducing self-esteem, and not on what is offensive.

#### **7. the desirability of minimising the regulatory burden on business**

Obviously business should not be overregulated, but the time has come to recognise the strong influence that advertising has on people's perceptions, values and mental health. If one would not be happy with a man standing at a school gate handing out cards to children about 'want longer lasting sex?' then one should be no happier about a billboard saying the same thing. The mere fact of being a business should not be a ground for more lenient treatment.

#### **8. any other related matter.**

The Committee should take into account the fact that advertising is often designed to shock – to push the limits so that people will talk about it. Billboards seem to be a particularly strong example of this, probably precisely because they are so unregulated.

#### **9. Note: The focus of the inquiry is on billboard advertising, however, the Committee is also interested in other forms of outdoor advertising and how these are regulated under current arrangements.**

There is no policy justification for distinguishing between billboard advertising and other forms of outdoor advertising. If one form is singled out for stricter regulation, then non-compliant advertising will simply move to the other forms.

## APPENDIX 1

### ABOUT US: THE AUSTRALIAN COUNCIL ON CHILDREN AND THE MEDIA

The **ACCM** is a peak not-for-profit national community organisation whose mission is to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children.

Its patrons are Baroness Susan Greenfield and Steve Biddulph.

ACCM has a national Board representing the states and territories of Australia, and a comprehensive membership of organisations and individuals who support its mission

**ACCM membership** includes ECA (Early Childhood Australia), ACSSO (Australian Council of State Schools Organisations), AHISA (Association of Heads of Independent Schools of Australia), AEU (Australian Education Union), APPA (Australian Primary school Principals Association), Infant Mental health Association of Australia, Parenting Research Centre, Enough is Enough: anti-violence movement, SAPPA (South Australian Primary Principals Association), Federation of NSW P&C (Parents & Citizens), and the Council of Mothers' Union in Australia.

**ACCM's core activities** include the collection and review of research and information about the impact of media on children's development, and advocacy for the needs and interests of children in relation to the media.

**ACCM's core services** include:

- the national freecall 24/7 Children and Media Helpline (1800 700 357);
- the ACCM website [www.childrenandmedia.org.au](http://www.childrenandmedia.org.au) containing evidence based information about media and children (attracting over 1000 visits per day);
- the award-winning, popular *Know before you go* child-friendly movie review service (now with more than 580 movie reviews);
- the development of parent media awareness materials,
- making submissions and participating in media interviews related to media regulation.

**ACCM's current issues** include the early s\*xualisation of children in and by the media; the impacts of media violence; the marketing of violent entertainment and junk foods to the young; management of screen time and content by the very young.

**ACCM's programs** are lead by a team of expert volunteers, supported by a small paid staff. Its programs are supported by project grants and much volunteer input.

**ACCM's awards** include National Community Crime Prevention awards 2009, 2006; 2001; National Child Protection 2005.

**The ACCM is a structured as a company limited by guarantee.** Its ABN is 16 005 214 531. The organisation is registered for GST, has DGR and ITEC status.