

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

Second Reading

Resumed from an earlier stage of the sitting.

MRS L.M. O'MALLEY (Bicton) [2.45 pm]: Before the break, I mentioned the list of sexist and misogynistic behaviours that need to stop now. I will begin with the first behaviour. This term is used alarmingly frequently, particularly by people who play a lot of video games. The list states —

Stop using the word “rape” to say you win.

... “I got *raped* last match.” I don’t care how bad you lost or if you completely dominated. It’s insanely disrespectful to use the word “rape” like it’s something completely casual. The word has one and *only* one connotation—negative and harmful ...

The use of it needs to stop —

Don’t use the word “bitches” to loosely refer to women.

Outside of being a female dog, evidently the word “bitch” has a negative connotation being used as an insult ...

Stop doing it —

Only respecting women you find attractive isn’t respecting women.

...

Unsolicited comments on appearance or physique are disgusting.

...

And there’s a line that’s been crossed with compliments, too.

... If your compliment is sexually charged in any fashion, chances are, she doesn’t wanna hear it ...

Stop doing it —

Don’t assume a woman’s position in her work environment.

This isn’t the ’60s anymore. Every woman that sits in an office isn’t a secretary ...

Double standards come from everywhere and attack at every angle.

When a man’s hair greys, he’s a silver fox. But when a woman’s does, she’s an old hag ...

Do not do it —

It’s nobody’s place to ask a woman about marriage or starting a family.

...

Mansplaining and maninterrupting ...

I hate that one; do not do it —

No woman owes you just because you’re nice to her.

I think we can all agree on those. We know that inequality and disrespect lead to bad outcomes for women and for our society. I think we can all agree that that is a problem. In order to fix the problem, we need to be able to call it out when we see it.

It seems that casual misogyny is a stealthy beast and further awareness is greatly needed. Further to this, I will share with members the following casual misogyny and sexism identifiers from a 2017 report by Diversity Council Australia, titled *Men make a difference: Engaging men on gender equality*, which also looks at the issue of casual misogyny or everyday sexism. The page titled, “What is ‘everyday sexism’?”, is particularly about the workplace. It states —

- **Evaluating women less positively** than men (e.g. in job application and promotion processes)
- **Ignoring and talking over** women
- **Sidelining women** in social and work networks
- **Calling women “girls”** but not calling men “boys”
- Criticising others for **acting “like a girl”**

- Comments that women **are not as good as men at certain things** (maths, sports, cars, leadership) or that they are too easily offended
- **Seemingly harmless comments about women**, such as that they are naturally better at collaborating, detailed work child care, cooking or shopping
- **Not offering women work opportunities** out of misplaced concern that they may not be able to manage it (e.g. assuming that women can't travel or work in male-dominated or heavy industries)

In this place we smash a lot of those misperceptions.

The list continues —

- **Choosing women for stereotypical assignments** or tasks such as taking meeting notes ...

I was asked to do that when I was at an Australian Institute of Company Directors course. I said I was probably the worst person to do that. Apart from being offered that role because I am female, I would be absolutely hopeless at it. It is not my skill set. The list also states —

- **Unwelcome remarks** about a woman's body or clothing

In my opening remarks I mentioned being disrespectful to women and hostility and violence towards women. There is no doubt that one is associated with the other. It is timely, therefore, to acknowledge the Minister for Prevention of Family and Domestic Violence for her role in working with the Minister for Transport in bringing this bill to the house. In particular, I would like to acknowledge that tomorrow is the beginning of the 16 Days in WA campaign, which aims to stop violence against women. Its theme for 2022 is "Respect starts with you". This important campaign aims to raise awareness and increase positive actions to stamp out family and domestic violence in our community. It is also a call to action for public sector employees and agencies, which, as the state's largest employers with responsibility for delivering services to all members of the community, are well positioned to drive cultural change in the mindset and behaviours that lead to violence.

Further to the core issue of respect, it is important that we understand the cycle of violence. Again, not all disrespectful behaviour towards women results in violence, but all violence against women starts with disrespectful behaviour. I know that phrase has been mentioned many times in this house today on this topic and others, but it is really important and I encourage other members who will speak on this bill to repeat that phrase, if they feel so moved, because I think it is incredibly important that it is heard, and heard often. The 16 Days in WA campaign and, more broadly, the work of the minister and the McGowan government, including the introduction of this bill, are making an overall and important difference.

I will now get back to the detail of the bill. The bill introduces amendments to the Road Traffic (Vehicles) Act 2012 to provide 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 the 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, being at least 14 days from date the CEO issued the licence warning notice.

This bill does not seek to erode an individual's right to express themselves freely. The powers introduced by this bill will be limited to vehicles displaying advertising that is deemed offensive. The CEO will act only when notified by Ad Standards that an advertisement on a vehicle breaches the advertising code. The amendments will specifically provide that the CEO may issue a licence warning notice to a responsible person notifying that because of an Ad Standards determination that an advertisement on the vehicle breaches the advertising code, the vehicle licence may be cancelled on a certain date unless the advertisement is removed from the vehicle. The intended cancellation date must be at least 14 days after the licence warning notice is issued to the person responsible for the vehicle. The CEO may cancel a vehicle licence if an advertisement has been deemed offensive and is not removed by the intended suspension or cancellation date. A new licence cannot be granted when a vehicle's previous licence was cancelled due to offensive advertising and the advertising has not been removed. An owner cannot transfer a vehicle licence to another person to avoid or delay the cancellation of a licence if a licence warning notice is in force. If a licence warning notice is in force, the person responsible for the vehicle must satisfy the CEO that the advertisement has been removed from the vehicle before the licence warning notice can be withdrawn. The CEO can determine the methods by which the removal of the advertisement can be demonstrated.

I acknowledge the contributions of my colleagues on this bill, which, as I said at the outset, might look to be a fairly simplistic bill, in essence, but underpinning it is a far greater and much more noteworthy set of issues. They have been well examined by those members who have spoken before me and, I am sure, by those who will speak after me. It is absolutely fundamentally important to have respect and do away with the opportunity for hate, and particularly gender-based hate speech and imagery. The bill does not in any way inhibit people from advertising in an appropriate

and humorous manner. People will continue to have freedom of speech. To be clear, that freedom of speech does not give anyone the right to freedom of hate speech.

In conclusion, the 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 commend the bill to the house.

MS M.J. HAMMAT (Mirrabooka) [2.56 pm]: I rise to speak on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. This is an important bill and I am very pleased to have the opportunity to speak on this issue. Many of my colleagues and I have been energised to make a contribution on this. I congratulate the Minister for Transport for progressing the bill and bringing it before the house. I am sure all of us have had the misfortune of seeing offensive advertising on some vehicles, most notoriously, Wicked Campers. A number of members have spoken about Wicked Campers and I will too because that is what we understand to be the most widespread use of very offensive material on campervans for the purposes of attracting free publicity. Presumably, that is the advantage Wicked Campers gets, but it is incredibly offensive material. Probably every member in the house can recall, as I can, seeing those vehicles and, frankly, wishing they had not.

This is an important bill that seeks to make sure there is accountability for organisations like Wicked Campers that have vehicles displaying very offensive material on spray-painted designs. I think we can all understand the difference between those vehicles and a vehicle with advertising on it for a company that is fairly straightforward and normal. Clearly, this bill does not seek to in any way impact on that type of advertising; it deals with very specific circumstances of large signs on campervans.

This bill introduces amendments to the Road Traffic (Vehicles) Act 2012 so that the CEO of the Department of Transport will have the power to issue a licence warning notice to cancel, suspend or refuse to grant or transfer a vehicle licence if the department receives notification from Ad Standards that the advertising on that vehicle breaches the Australian Association of National Advertisers Code of Ethics and if the responsible person for that vehicle has failed to rectify that advertisement in the prescribed time, which has to be at least 14 days.

The principle behind this is quite clear. When there is a breach of advertising standards, the CEO of the Department of Transport will have the power to issue a sanction after giving suitable notice to the organisation responsible for the offensive material. There are important safeguards in the bill with how it goes about addressing the issue but what is most important is that it provides a sanction. Those standards are contained within the Australian Association of National Advertisers Code of Ethics, so there is some mechanism to make sure that the standards are upheld. Although I think we understand from the previous submissions, it is worth reiterating that these Wicked campervans, which are the most notorious example and the one that is most widely known, are very popular with backpackers. The company obviously sought to position itself in a particular way in the market. The vans are most notable for offensive slogans, most of which are sexist and misogynistic but are also homophobic, racist and, many times, just plain obscene. There were examples of the vans effectively inciting violence, particularly against women.

Wicked Campers is apparently a Queensland-based company, so it obviously attracted a lot of attention in Queensland. Anna Bligh, who was Premier of Queensland at the time of the 2012 state election, was invited to design her own van in response to public concern about this. She rebuffed that invitation, so Wicked Campers depicted her on a van, naked and in a position—I feel almost embarrassed to say; that is how offensive it is. I will not share it because I feel like it actually gives credence to its approach. They painted her on a van, naked and in a sexually alluring type of position. It was reported by a newspaper journalist and apparently never made it onto the road. Notoriously, when journalist Lucy Clark, who then wrote for *The Sunday Mail*, took Wicked Campers to task in print in 2008, it responded by spray-painting a van with her name and made some very pointed comments effectively suggesting that she should be gagged. It then sent that van to the community in which she lived. It was a very deliberate set of actions that were not just about having a joke or going too far with something that was intended to be humorous. These were clear steps to humiliate women and, in fact, threaten and intimidate them in a fairly deliberate way.

I know many people in this place are parents, as am I. When my children were younger, I also had the unfortunate task of explaining to them some of the offensive slogans that Wicked Campers chose to use. When they were old enough to read but perhaps not yet old enough to understand what they were reading, they, of course, asked “What does that mean? Why have they written that on a van?” Many people felt similarly dismayed by having to have such a conversation with their children. I think there have already been a few references to the petition that started in Sydney when a mother and her young daughter encountered one of the vehicles and had a similar experience. It generated over 100 000 signatures.

I think these stories really illustrate the very intrusive nature of the offence when we talk about road vehicles. All road users are subject to it; people can come across those vans at any time of the day or night. We cannot turn it off or unsubscribe from it. It is really impossible for a person to avoid encountering those vans as they go about their daily business at any time of the day or night whilst they are able to circulate freely on our roads. One of the things about Wicked Campers in particular is that it blatantly disregards the advertising standards. Over the years, there have been many complaints and adverse rulings, both in Australia and New Zealand, but the company simply refuses

to heed those warnings. There has been a lack of mechanism to enforce those findings so it simply continues to go about its business and delight in the notoriety that comes from the complaints.

This bill is really important because it is a way of ensuring that organisations must comply with advertising standards of vehicles. A number of states have implemented similar legislation and it is important that Western Australia also does so to ensure that some kind of sanctions are in place and offenders do not just simply skip jurisdictions and move around to states without these sanctions in place. I am delighted that our state government is taking these steps and joining many other states in legislating to ensure that we have an effective sanction to uphold community standards. I think it is very clear from the stories that we have heard, the number of complaints and the way that Wicked Campers has blatantly disregarded those complaints, that it is necessary to have some kind of sanction to ensure that it behaves in a way that the community expects.

It is important to note that we are debating this legislation the day before we begin the 16 Days in WA, which commences tomorrow. This is a very important campaign introduced by the McGowan Labor government and WA's very first Minister for Prevention of Family and Domestic Violence, Simone McGurk. It is now in its sixth year, and it has grown since it was first implemented. I think it has actually become very successful in ensuring that we are having a community discussion about respectful relationships and appropriate standards of behaviour. These 16 days always begin on the International Day for the Elimination of Violence Against Women, which is the 25 November—tomorrow. It will run until 10 December, which is Human Rights Day. It draws from a global movement, 16 Days of Activism against Gender-Based Violence, which is 16 days of activism recognised around the world to draw attention to gender-based violence. This year's theme is very pertinent in that ending violence against women is everybody's business. I think that really underlines that part of having 16 Days means having a concentrated effort to raise awareness; motivate positive action; and highlight organisations, employers and communities who are taking action but reinforcing a community message about respectful relationships and appropriate standards of behaviour.

Clearly, this bill seeks to call-out the bad behaviour of Wicked Campers and other organisations like it. It is clear that we still have a long way to go to address underlying community attitudes that contribute to family and domestic violence. I think others before me have made contributions about how attitudes are one of the things that underpin or allow for family and domestic violence and violence against women more generally to grow. Statistics tell us that we still have deeply ingrained attitudes underpinned by sexist assumptions about women's place in society and in relationships. The National Community Attitudes towards Violence Against Women survey, which I should note is the world's longest-running survey on these attitudes, found that one in five Australians believe that family and domestic violence is a normal reaction to stress and that, sometimes, a woman can make a man so angry that he hits her without meaning to. One in three Australians believe that when a woman does not leave her abusive partner, she is also responsible for that violence continuing. Frighteningly, two in five Australians would not know how to get outside help for a domestic violence-related issue. If we ever needed an example of why we need to change community attitudes, I think Wicked Campers is perfect. There are widespread beliefs in the Australian community and companies like Wicked Campers actively incite misogyny and sexist beliefs and behaviour. As I discussed earlier, they are also effectively inciting calls to violence against women who speak out.

I am really proud to be part of the McGowan Labor government, which has introduced a great number of initiatives to help reduce family and domestic violence. I want to talk a little bit about some of those today—not all of them. One key thing that I think has been incredibly important is ensuring that we have a plan and strategy to raise awareness about family and domestic violence and to make sure that we are encouraging community-level conversations about what respectful relationships should look like, and that that is done in a way that also encourages other community leaders to step forward, speak up and call out sexist and misogynistic behaviour wherever they see it, whether in the community, workplace or home.

The 16 Days in WA campaign has been a really important part of raising awareness. As part of those 16 days, we encourage people to wear orange—the campaign colour—as a way of showing our commitment to having those conversations and our support and solidarity for bringing an end to family and domestic violence. People can wear badges, which I understand are in relatively short supply, but that is a really powerful way to send a message. The badges simply say “Stop the violence”. Buildings and landmarks will be lit up in orange, again as a really important symbol of the community's collective commitment to ending family and domestic violence. I want to commend the minister for this initiative. I think it is a really powerful thing to do, and it is a really powerful way to encourage others to recognise and accept their responsibility to get involved, as well.

This responsibility not just is confined to government leaders, but also involves business leaders, union leaders, people in the community sector and people in sport—a whole range of community leaders are encouraged to make a stand on the issue. I know that one thing that has been quite effective is having a launch event—I think the minister has held one every year—which brings together a large group of people such as community leaders. The minister manages to get all the attendees of that event to wear at least a touch of orange, which is no mean feat,

but it brings people together to wear that colour and make a stand that we all have a responsibility to speak up to end domestic violence.

Awareness raising has been incredibly important, but it is not the only thing that our government has been doing, and we have not been doing it only during the 16 Days in WA, either. It is clearly something that we have been committed to since we won office in 2017. We have made good progress, but I think we all understand that there is much work that we still need to do. We know that women are overwhelmingly the victims in family and domestic violence incidents, and, as I said earlier, there are still underlying community attitudes that really point to the fact that we need to do much better.

As a government, we are also taking strong steps to hold perpetrators to account and to support victims. One of the great things this government has done is to introduce family and domestic violence leave, particularly for public sector workers—the public sector is the single biggest workforce in the state—whereby on this government being elected, those workers became eligible to access paid leave when they were dealing with a family and domestic violence-type issue. This government has also made changes to residential tenancy laws, provided funding for the Pets in Crisis program, and introduced a whole range of other things that are perhaps small but add up to a significant amount of support for victims, as well as making sure that we have strong laws and strong accountability for those who engage in violence within their family or domestic relationships.

[Member's time extended.]

Ms M.J. HAMMAT: We have also put in place a 10-year plan, *Path to safety*, which is WA's strategy to reduce family and domestic violence. It is committed to action. The strategy was implemented in 2020 and will run to 2030; it is a 10-year plan to reduce family and domestic violence. It has four key focus areas: working with Aboriginal people to strengthen Aboriginal family safety, ensuring we act now to keep people safe and hold perpetrators to account, growing primary prevention to stop family and domestic violence, and reforming systems to prioritise safety, accountability and collaboration.

One of the ways we are supporting victims of family and domestic violence is through the use of hubs like the Naala Djookan Healing Centre in Mirrabooka. Naala Djookan provides integrated wraparound services to enable people experiencing family and domestic violence to get help sooner and to access the services they need closer to where they live. It is also a way to ensure that people who are escaping family and domestic violence only have to tell their story once, rather than over and over again to different service providers. The service operates as a consortium of organisations that deliver services, including the City of Stirling, a range of health and mental health services, alcohol and other drug services and legal, housing and financial counselling services. People who are experiencing family and domestic violence might need to access a wide range of services, and these hubs bring them all together in one place. Naala Djookan has a focus on providing culturally safe and trauma-informed services and supports for people from all backgrounds. The consortium partners with culturally and linguistically diverse services, ensures that supports are tailored for people from these communities, and partners with Aboriginal organisations to ensure the provision of Aboriginal-led services for Aboriginal people. As we begin the 16 days of action in WA, I want to give a special shout-out to the staff, board members and volunteers of Naala Djookan and thank them for all the important work they do in our community. I am so proud that we have the first family and domestic violence hub in Mirrabooka, and I am incredibly proud to be part of a government that has opened a further hub in Kalgoorlie, with hubs in Armadale and Broome to follow.

People in my community of Mirrabooka will have the opportunity to participate in activities for 16 Days in WA at all six City of Stirling libraries, including the library in Mirrabooka. Naala Djookan is encouraging people to colour in a butterfly or leave a note on a butterfly to be displayed at the libraries and make a comment about what respect looks like to them. It is a simple activity, but I would encourage all members of the community to engage with these displays. It is a really easy but important way in which we can send a collective message about respectful relationships.

As others have also commented, I will also be participating in the Annual Silent Domestic Violence Memorial March, which will be held next Tuesday, 29 November. This will be the thirty-second occasion on which the march has been held. It will take place in Forrest Place in Perth. It is held every year as a way to honour and pay tribute to those people who have lost their lives as a result of family and domestic violence in the preceding 12 months. I think that it is an opportunity to reflect on the very profound impacts that family and domestic violence has in our community. Every year, I find it incredibly moving and almost shocking to understand the personal lives of the people who have been affected. I think that is a very important event. It brings a large number of community members together, and it always sends an incredibly strong message about our shared responsibility to work towards making change. It digs behind the statistics on family and domestic violence and ensures that we understand the personal stories and tragedies that lie behind those tragic deaths each year. I would encourage other members to also join in this event. I believe it starts at 11.00 am with the march starting at 12.00 pm.

There are a number of other excellent ways that people can get involved. Again, I want to commend the minister for producing a really great campaign resource kit, which is easily accessible; people can google "16 Days in WA"

and find that resource kit. It provides a lot of examples of ways that people can get involved and take action either in their communities or, indeed, in their workplaces, and includes a whole range of activities—everything from wearing orange or wearing a badge, right through to donating their own time or resources to services, or, indeed, learning some skills about how to have a conversation with someone in the event that they are approached by someone who wishes to talk about their own experiences with family and domestic violence. I think it is an important opportunity in the community to talk about this issue and recognise that we all have a responsibility to make a difference and to speak up.

As we consider this bill, it is an important time to stop and reflect that if we do not call out bad, disrespectful or misogynistic behaviour, and if we do not call out these sexist comments, it allows for poor behaviour to flourish, and that supports attitudes that can lead to violence and inequality.

I am really proud to be a member of the Labor Party, and of the McGowan Labor government, because we are a party that has a strong set of values at the core of everything we do—at the core of all our decisions and all our actions in government. Unlike those who sit in the corner, we do not just chase issues when it is expedient to do so; we work on doing what we know to be right. We believe in fairness, justice and compassion for all people, no matter who they are or where they come from. We are committed to the pursuit of economic and social justice for all Western Australians so that everyone in this state can live a good life, a life of dignity and a life of fairness. That is why we as a government have been pursuing important changes in the area of family and domestic violence.

We are serious about women's social and economic equality, so it is important to reduce the violence, harassment and discrimination experienced by too many women in our community. Our strategy has not been just to hold perpetrators to account and keep victims safe; we are also ensuring that we address community attitudes to ensure that women are not denigrated or harassed or subject to misogynistic messages. This bill is part of not only an important national strategy to rid our roads of the misogynistic, racist and homophobic slogans that have appeared on rental cars and vans, but also our ongoing mission to deliver equality, fairness and justice for all people in Western Australia. It is an important bill that will ensure that we are no longer subject to the kinds of terribly offensive messages that I know people in this house have seen. As I said, I have seen them on way too many occasions myself. This bill will give us levers to pull to ensure that vehicles on the road are required to maintain an appropriate standard of advertising—a standard that is consistent with what the community wants and expects. We will be able to ensure that when there is a blatant disregard for those community expectations, the CEO of the Department of Transport has appropriate levers to pull to ensure that those standards are not continually flouted, as they have been in the past by Wicked Campers.

I want to commend the Minister for Prevention of Family and Domestic Violence for her excellent work. I commend the Minister for Transport for bringing in this bill, which I think is an important piece of the puzzle. With that, I commend the bill to the house and end my contribution.

Debate adjourned, on motion by **Ms C.M. Rowe**.