

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

Second Reading

Resumed from 23 November.

MR D.A.E. SCAIFE (Cockburn) [10.21 am]: I rise to continue my remarks on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. Prior to private members' business yesterday, I was reflecting on the fact that this bill is routed in stamping out gender-based hate speech, being prompted by the offensive and misogynist advertising used by the Wicked Campers company on its campervans. Tomorrow is International Day for the Elimination of Violence against Women. It is also the day that we launch our 16 Days in WA campaign, which is a great initiative of the McGowan government, led by the Minister for Prevention of Family and Domestic Violence, to raise awareness and to encourage people to take action to combat gender-based violence in our community. As I said yesterday, one of the first ways that we can do that is by ensuring that the attitudes we hold, the behaviour we model and the speech we use are respectful and not in any way reflective of the misogynist language and attitudes displayed on Wicked Campers campervans.

I want to expand on a point I made yesterday, which is the fact that hate speech can cause many negative consequences but it can also lead to behaviours such as direct physical violence against individuals. In my contribution today, I want to reflect on an article in the *UNSW Law Journal* entitled "Harming women with words: The failure of Australian law to prohibit gendered hate speech", by Tanya D'Souza, Laura Griffin, Nicole Shackleton and Danielle Walt. I want to congratulate those academics on the paper. It was illuminating to read it overnight to supplement the comments that I made yesterday. The paper provides a very detailed consideration of the harm that hate speech, particularly gendered hate speech, can cause in our society.

The authors make the same point as the one I was making yesterday: hate speech, and gender-based hate speech, is offensive, but it is more than merely offensive; it directly and negatively impacts people in a variety of ways. The authors make the point that hate speech can change the behaviour of the people who are on the receiving end. It can cause people to feel fearful and targeted. It may cause them to feel that it is not safe to enter public places. It may discourage people from participating in debates. We can all think of examples in which women who have spoken out, say on news programs or social media platforms such as Twitter, have become the target of terrible hate speech and, as a result, have left the platform. There are many examples of women being chased off platforms such as Twitter and Facebook and having to shut down social media accounts. The level of hatred directed towards them in the language that people use on those platforms has been too much, causing them to fear for their own safety and resulting in a decline in their mental health.

The point is that victims of hate speech change their behaviour in an attempt to avoid the hate speech and neutralise its negative impacts on their mental and even physical health. More than that, hate speech encourages other people to engage in the same behaviour. We have all seen the mob mentality on social media—once a couple of people start piling on, more people follow. I am not backwards about saying that, by and large, this is vilification directed towards women by men. That is why this sort of hate speech is gendered. The victims are disproportionately women and the perpetrators are disproportionately men. It can encourage a mob mentality, with more men joining in and women being deplatformed. That has a tangible effect on the way women live their lives and their ability to speak out.

[Member's time extended.]

Mr D.A.E. SCAIFE: The authors of this paper go further on the direct impact of gendered hate speech. They talk about it not just resulting in fearfulness but also directly affecting people's health. For example, it can cause sleeplessness, having a direct impact on a woman's ability to sleep and feel safe at home. It can lead to feelings of threat and a lack of safety in many different environments. Social media and digital communication are completely pervasive in our lifestyle. If people are on the receiving end of hate speech, they are going to be bombarded by notifications from Facebook or Twitter. Every time they look at their phone, they will see, "You have X number of messages" or "You have X number of reactions to your post." It will be in their face. It can very quickly become overwhelming, with the sense that the bullying behaviour is following them everywhere. I want to tie that experience to one of the things that the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 will do, because in tackling the problem of advertising on vehicles, it will tackle the sense that offensive advertising is pervasive. One of the things that distinguishes vehicle advertising from other forms of advertising is that it can follow people around; it can be everywhere. If people are in a holiday neighbourhood and there are a lot of campervans driving around with offensive advertising, it is incredibly hard to avoid. People can choose to avoid a billboard that contains offensive advertising. Personally, I think those billboards should be taken down, but people do not have to put up with them if they do not want to. If a television channel shows an ad that people do not like, they can switch to a different channel or turn off the TV. However, when people are driving around, they cannot avoid vehicle advertising; it can pop up at any moment and it cannot be turned off. People cannot ask someone to do something about it and think that it will be done straightaway; rather, they have to go through quite a tortuous process of making

a complaint to Ad Standards and following through the Ad Standards investigation. It will make a recommendation, which, in most cases, can be ignored by the advertiser.

In the same way that the authors of this paper recognise that gender-based hate speech can invade a person's life, whether it is online or as a recipient of harassing phone calls, it can invade a person's everyday life. I am really pleased that this bill will prevent vehicle advertising; it is one brick in the wall in making sure that there is no ubiquitous offensive advertising and gender-based hate speech everywhere we go, because it is a problem; we see it everywhere. We see it on prime-time television. I am reminded of an example a few years ago—I might need members to assist me with this—in which Eddie McGuire made a comment about a woman named Caroline whose her last name escapes me. She is a very well-known Australian sports commentator. I have to admit that sports commentating is not my unusual forte, so I apologise for not remembering the commentator's last name. Eddie McGuire made an awful statement in which he essentially said that she should be drowned. He made that statement on prime-time television.

Mrs L.M. O'Malley: It was around the Big Freeze.

Mr D.A.E. SCAIFE: That is right; it was the Big Freeze at the MCG.

Ms C.M. Collins interjected.

Mr D.A.E. SCAIFE: I have been told by the member for Hillarys that the woman's name is Caroline Wilson. He said that she should drown after going down the slide. It was clearly a statement in which she was essentially being told to shut up. It was appalling to see commentary by Eddie McGuire, a very well-known figure in the media, directed towards a very senior and well-respected sports commentator. That is an example of how the kind of language that treats women as objects and victims of violence is pervasive.

I want to link that to the point about women leaving digital platforms. There is also evidence that it can result in women not going on, say, television platforms. There are examples of experts and university professors who feel that they cannot go on a radio talk show or a TV talk show, such as *The Project*, in the future because they were so terribly harassed in a previous appearance. The point is that offensive language does not simply cause offence, sleeplessness, paranoia and insecurity, all of which are terrible things, but it changes people's behaviour. It means that women are effectively silenced because they do not feel that they can speak out on issues on which they may very well be experts because they might find themselves on the receiving end of gender-based hate speech. The authors of the paper make the point that Rosie Batty resigned from public activism at the Luke Batty Foundation because she had been on the receiving end of that kind of silencing, offensive hatred and trolling. We have all seen examples of that in recent times.

Another example is a little niche. I have read a lot of articles about women involved in the electronic gaming industry who find it very difficult to have a profile and opinion and make a career for themselves because electronic gaming has been a traditionally male-dominated field, and when they try to show their expertise, the predominantly male audience responds very poorly, shouts them down and treats them with contempt. It is just another example of how gender-based hate speech can have an impact on a women's career advancement, choice of career and the things they might feel safe doing.

The next point is that in addition to the direct effects of gender-based hate speech, gender-based hate speech, such as we have seen on Wicked Campers vans, can also indirectly cause gender-based violence. There is plenty of evidence of this. I will quote from the article directly. It reads —

GBV can be considered a consequential harm of GHS, as language reflects and informs social norms and attitudes. The attitudes and beliefs that inform misogynist language are closely connected with men's violence toward women. The literature establishing this link has been summarised in a report commissioned by VicHealth, which states that '[m]en who hold traditional views about gender roles and relationships, have a strong belief in male dominance or who have sexually hostile attitudes are more likely to perpetrate violence against their [female] intimate partners than those who do not'. More broadly, '[p]eople who hold traditional views about gender roles or who have lower levels of support for gender equality are more likely to accept violence against women than those who hold more egalitarian beliefs'.

We can see from that statement that gendered hate speech has an indirect but strong relationship with the perpetrating of gender-based violence in our society. It seems like common sense to me that men who think that women are sexual objects—somehow weak, supposed to be dominated by men, submissive in character—are more likely to think that dominating behaviour, violence, ridicule and insults are all acceptable ways of treating women, and that will extend to the way they treat women physically. One of the reasons that that is particularly troubling is because, as I said earlier, gender-based hate speech is often public. The statements on Wicked Campers vans were very public. People did not welcome those vans driving around their neighbourhood, but there was nothing they could do about it. Those misogynistic attitudes become very visible and public. We know that most gender-based violence takes

place in private, behind closed doors. It is overwhelmingly committed by males against their intimate female partner. About 80 per cent of homicides carried out in intimate relationships are carried out by men against their intimate partner. We have seen how public gendered hate speech translates into silencing women, changing their behaviour and disempowering them. It also translates into the type of gendered violence that happens behind closed doors.

I am very proud to be part of a government that is taking a comprehensive approach to stamping out gender-based violence. I know that the Minister for Prevention of Family and Domestic Violence is always working hard on this issue. I am glad that the 16 Days in WA campaign is being launched tomorrow. That is a time for us to refocus our efforts on stamping out the scourge of family and domestic violence in our society. I am pleased to support this bill, which will be a small but important way of ensuring that people do not drive vehicles around our suburbs that advertise gendered hate speech and that organisations do not use controversy and misogyny to sell their products.

DR J. KRISHNAN (Riverton) [10.41 am]: I rise to support the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. Advertising is a day-to-day affair. It has an impact on our emotions, our decision-making and our access to products and services. It all depends on how we interpret that advertising. The majority of advertisements have good intent and serve a particular purpose. I want to share the experience of an advertising campaign on vehicles in India that went viral. Nothing can be more urgent for a woman who is pregnant and having labour pains than accessing a hospital. Members must have heard about the tuktuks in India. One man put behind his tuktuk a sign saying “Free and priority access for pregnancy-related travel”. What happened is that a lot of his colleagues started adopting that, and people who travelled on those tuktuks for a normal purpose appreciated the good work the drivers were doing and gave them an extra tip. It became quite contagious. There have been occasions when a passenger has been asked to get off and catch another tuktuk to give priority to a woman with a pregnancy-related issue. That is a good cause when it comes to advertising.

Digital signage is catching up big time. Recently, I met with a young man in my electorate who is very technologically advanced. He has come up with an innovative and unique advertising product. He wants to put digital signs in taxis, in Uber and Ola vehicles and on public transport so that when those vehicles enter a particular suburb, he can bring up, from a central control room, advertisements related to businesses in that suburb. The reason he met with me was not for the purpose of commercial advertisements. He also wants to put that technology to use for a good purpose by offering it to the government for free to use as an avenue for passing on to the public emergency advertisements about things such as missing persons and the fire danger. This would enable the government to communicate its central themes in a particular suburb by means of a message that would pop up automatically and alert people. What a fantastic idea. I was very supportive of him. I hope that progresses further and becomes a reality sooner rather than later.

People advertise for a purpose, and people benefit from those advertisements. I would like to share a recent experience of mine. The hot water tap on the shower in my house had started to trickle, and I tried every avenue to get a plumber to fix it, but they were all too busy, so I ended up having a cold shower for about four days in a row. One day, my vehicle had stopped at a red light and a van in front of me had an advertisement by a plumber. I memorised the mobile number, and when I reached my destination, I called that plumber. He was available and came the next morning, which was on the weekend, and within 20 minutes had changed the valve and fixed the problem. There is a purpose for advertising. The business benefited and so did I as a customer who was struggling to have my plumbing problem fixed.

There is no doubt that there is good advertising. The problem is choice. If we do not want to see a particular ad and are reading a magazine, we can turn to the next page, or, if we are watching television, we can switch to another channel. If we see a pop-up ad from Google on our phone, we can close it, although Google will then ask us why we do not want to see that ad, and most of the time we will say it is not relevant to us and hope that it will not pop up again. When it comes to advertising on vehicles, we do not have a choice. If we are driving behind a vehicle that has an offensive advertisement, we have to move away from that vehicle as soon as possible so that we are not forced to see that advertisement.

To indicate how bad advertising on vehicles can be, I once saw some writing on the back of a four-wheel drive that said “Honk if you want to sleep with me”. What choice would a person driving behind that vehicle have? If the driver of that vehicle was purposefully not moving away from a red light, would the driver behind them have a choice to honk or react or make a change? This bill is about enabling people to make a change. An advertisement that might appear to one person to be humorous, funny or simple might not be interpreted in the same way by another person. I have been sharing a few of my experiences. The circumstances can be different for different people. I have mentioned a couple of times that I survived a brutal campaign when running for a seat in this place, and today I have the opportunity to bring the reality of that to this house to put it on the record. One of the flyers my campaign manager prepared used a generic template, which said in the corner of the flyer, “I live local and I understand well.” At that time, I was not living in the electorate. That flyer was sent to all houses in the electorate seven months before the election. During election time, it popped up and for the first time in my life I knew how brutal the media

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could be and how it could spin the entire message. The headline on that day was, “Labor candidate caught lying”. I could not defend myself. I had to take responsibility because the buck stops with me—and it did not stop there. The harassment continued. Two people from the opposition stood next to me from eight o’clock in the morning for the pre-poll until six o’clock in the evening: “You’re a liar, you’re a liar, you’re a liar. You shouldn’t be standing here.” At that time, they pointed me to a large truck that kept coming in front of the pre-poll booth, every 15 minutes, that contained the big face of my opponent as a way of saying that was the person who should be standing there. We all advertise during a campaign, and I am not saying that it is not the right of my opponent to advertise. However, at that juncture I was sensitive to being pointed at every 15 minutes and that signage was intimidating to me. When the saga started I was just getting out of my car for the pre-poll. The media was in front of me with cameras. The first question I was asked was, “Why are you lying?” I had no idea what I was lying about. Members can imagine that, by coincidence, the big truck was parked right behind me while the interview was going on. The point I am trying to make is that even though an advertisement by a person does not cause an impact for everybody, a small minority will be impacted by that.

A few years ago, a controversy was created by an advertisement promoting lamb. The group had every right to create that advertisement. I am a Hindu. Every Hindu ritual starts with the prayer to Lord Ganesha. Members will have seen that idol in many places; it is an elephant head. The basic purpose of having that is that even kids tend to have good thoughts when looking at a small elephant; it does not create fear. It is a good way to start a ritual or function. There is a significance in the way that idol was designed in ancient days, and it remains the same today. The Ganesha has large ears, indicating that we should listen more. The Ganesha has a big head, indicating that we should think big. The Ganesha has small eyes, indicating that we should concentrate to achieve things. The Ganesha has a very small mouth, indicating that we should talk less when it is not required. The Ganesha has a large trunk, indicating that there is no straight path to success; we need to be flexible and adaptable if we want to succeed in life. The Ganesha has a large stomach, indicating that we should happily digest good and bad in life. If members look carefully, they will see that the Ganesha has only one tusk, which means we should keep the good things with us and throw away the bad or the evil. There is a big significance in that. People who believe in Hinduism understand what all of that means. They believe in those values. However, the Ganesha in that advertisement promoting lamb was made to sit on a dining table and the conversation turned to, “Do we have to address the elephant in the room?” It was very offensive for the Hindu community. Petitions were circulated everywhere. It happened in Australia. Fortunately, the ad company agreed to withdraw the advertisement and change it.

This is an example of how a minority group could be affected and be sensitive. I am not blaming the person who designed that ad because he may not have had an understanding of what the Ganesha meant. He must have done it with a sense of humour; I totally understand that. Once the advertising company understood the meaning, it was willing to make a change. That is what this bill is about. It is to make sure that a minority group or a sensitive person is not affected by a particular ad, especially advertising on vehicles. People do not have a choice to not see that, and this legislation is about creating that choice. It is about protecting the vulnerable.

This bill is about implementing necessary legislative measures to protect against offensive advertising on vehicles in Western Australia. It is to protect the minority groups. It is to protect young people and victims of domestic violence particularly. The 16 Days in WA campaign to stop violence against women starts tomorrow.

[Member’s time extended.]

Dr J. KRISHNAN: I was very fortunate to be part of the Lions Club of Canning City that installed a purple bench at one of the parks in my electorate. That was a significant symbol of standing up to domestic violence. I have been thinking: how do I support the cause of 16 Days in WA? Tomorrow on my social media and Facebook page I will encourage people to sit on that bench and take a picture if they support the cause to spread the news so that people stand up to domestic violence.

It is important to protect such vulnerable groups by preventing offensive advertising, particularly sexually explicit and offensive advertising on vehicles. The bill introduces amendments to the Road Traffic (Vehicles) Act 2012. It provides the CEO of the Department of Transport with the power to issue a licence warning notice. The warning notice will give the licence holder 14 days to make the corrections or remove the advertisement. If action is not taken, the CEO will have the authority to cancel the licence, suspend the licence or refuse to grant a transfer if the offender tries to sell the vehicle to someone else while there is a notice under consideration.

It is very clear that this bill does not seek to erode an individual’s right to express themselves freely. Again, the complaints cannot be made to the CEO of the Department of Transport. The CEO will rely on the expertise of Ad Standards to make such a decision. Ad Standards will intervene or give a ruling when an ad on a vehicle does not meet the Australian Association of National Advertisers Code of Ethics. If an advertisement does not meet the standards, Ad Standards will direct the CEO and they will issue the notice. The licence holder will have 14 days to fix the issue but if the person refuses to fix it after a notice has been given the CEO will have the authority to cancel

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the licence or not issue a new licence when the vehicle is transferred. If the CEO is satisfied that the particular advertisement has been removed and evidence is provided, they will make the amendments accordingly.

We are here for a cause—to fix problems and make things better. When I speak to my staff in my electorate office, I constantly tell them that prioritising what we deal with is extremely important. Someone who has easy access to me because they have my mobile number and can call me anytime is not a great priority because the majority of them have an alternative number that they can call and they are powerful enough to find their own way to fix the problems. The people who do not know or who are not sure how to access me are my priority. They are my priority because, in my eyes, they are vulnerable people; they are the needy people who need my service and that is why I instruct my staff to give them the priority. That is one question I ask. Some people feel entitled to call me on the phone and say, “I have a problem with this. Can you come to my office so we can discuss this and you can help me?” That is how entitled they feel. Those people are not my priority. The people who struggle to access me are my priority. That is the reason we all have signs in our electorates—say at the bus stop. We spend money on advertising to reach those vulnerable people who do not know or who are not sure how to access us. We give them the required information to contact us so that we can be of help. By providing that information through proper advertising channels and not hiding away from those people who really need us, we serve the basic purpose of being in this house.

This bill is not about banning advertising or stopping people from raising their voices when they have to. It is not about stopping anybody from promoting their business or a positive message in the community. This is about listening to people who feel offended. Not everybody will feel offended by one particular advertisement; it is about listening to that minority or vulnerable group that feel offended by a particular advertisement and enabling them to report to Ad Standards to make a determination and give a recommendation to the CEO to remove it. They will have a voice that will be heard and their concerns will be taken into consideration; that is what this bill is about. I commend this bill to the house and I thank you for the opportunity, Madam Acting Speaker.

MS J.L. HANNS (Collie–Preston) [11.06 am]: I too rise to speak today on the very important Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. As the previous speakers have already indicated, the focus of this bill is to address offensive advertising on vehicles, which put vulnerable groups at risk, such as minority groups, young people and the victims of domestic violence. As the member for Riverton has just explained, that advertising is visible to all road users. Unlike other forms of advertising that member the alluded to, where we can turn off the ads and choose not to see them, we cannot switch off a mobile billboard in the form of a vehicle. We cannot unsubscribe from the page to avoid it and we cannot do anything but wish that our children are not exposed to it.

I will start today’s contribution with a musical reference. I cannot remember the exact year, but there is a popular tune that most people in the chamber will know called *Sex on Fire* by Kings of Leon. It is a fabulous song. My children were roughly four and six years old at the time it was released so I got the invariable and inevitable questions. They were singing “sex on fire” at the top of their voices and I kept saying, “No, you have the words wrong. It is ‘saxophone of fire!’” For years, my kids very merrily sang “saxophone of fire” and I avoided the awkward conversations that would have come with that, but years later, I was berated for being a terrible parent because they found out that the actual title of the tune was *Sex on Fire*. That gets brought up at the Christmas table every year, but that was a song that I could switch off or teach them different lyrics to; it is very, very different from the inappropriate language that is on display in the case of things like *Wicked Campers*. When I was travelling around Australia with my kids while I was on long service leave, I also had the terror of pulling up next to those sorts of vans in the caravan parks that we stayed at. I remember asking my husband if he could kindly go and ask the caravan park owners whether we could find somewhere else to stay so that we were not camped next to that sort of advertising.

I reminded my 18-year-old daughter about this the other day. We were talking about being in the caravan park and all the really colourful signs that would appeal to young people. I had to pull it up because she was so young and she did not really remember what it said. I pulled up on the internet some of the slogans that *Wicked Campers* uses, and I told her some of the terrible things. I will not repeat them in here because we know they are terrible and that is why we are introducing this legislation. Just after two or three examples said, “Mum, that’s enough. I get the picture.” Clearly, she understands the impact that that has on women, young people, minority groups and all the other vulnerable people in our community. I want to say the overwhelming majority of advertising on vehicles that are being driven around is perfectly acceptable. People do the right thing in advertising their businesses. However, there has been some longstanding community concern around sexually explicit and misogynous messages and otherwise offensive advertising on the vehicles that I am going to speak to—*Wicked Campers*.

Some businesses have very witty names that also catch the eye of potential customers as their owners try to grab the market edge. I have one fabulous business in my electorate whose name shows an excellent use of humour and an understanding and appreciation of how to represent the nature of their business in its title. It is the famous

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award-winning Pete's Chop Shop. I just want to check with members of the chamber today to see whether they can guess what business Pete's Chop Shop conducts.

Several members interjected.

Ms J.L. HANNS: Hopefully, everyone said "butcher" because that is correct. It is an Australian Meat Industry Council award winner.

Mr W.J. Johnston: I thought it was a car shop.

Ms J.L. HANNS: No, it is not a car shop. For the minister's reference, Pete's Chop Shop was awarded best bacon and the best pepper-and-steak pie in WA in 2022.

Ms M.M. Quirk: That is a bit rash!

Ms J.L. HANNS: Sorry?

Ms M.M. Quirk: That is a bit rash!

Ms J.L. HANNS: Sorry; I am a bit slow on the uptake this morning. It is an amazing business in my electorate that has a witty approach to marketing their business in a pretty funny and different and definitely not offensive way. I also want to mention very briefly that at the same Australian Meat Industry Council award ceremony that Pete's Chop Shop was recognised, the Donnybrook Butchers was also recognised. The owners are 22 and 23 years of age and they won regional retailer of the year in 2022, so congratulations to Bryn and Georgia.

Ms M.M. Quirk: The steaks were high!

Ms J.L. HANNS: I thank the member for her contribution. Both Pete's Chop Shop and Donnybrook Butchers are off to the national awards I think next year actually. That prompted me to think of other witty captions that have been used for businesses. There is a fabulous example in the UK of a fabulous floor and wall tiling service called The Bonnie Tiler, which apparently has a very good following on social media. I thought that was particularly clever. I got the reference to *Total Eclipse of the Heart*. I see not everyone is as musically interested as I might be. That is okay. I have one for the foodies here. Mexican food that is absolutely amazing—it is Juan in a Million, J-u-a-n. It gives us an indication of the type of food truck it is but also how amazing the food is. I thought that was particularly fabulous. I hope this needs no explanation for anyone—Spruce Springclean. That is fabulous—another musical reference. I will finish with another witty business name and a great way to market a business that does not require offensive or misogynistic slogans—Lord of the Pies. That demonstrates that someone can absolutely try to get an edge for their business without being a terrible, terrible social citizen within the business community.

Having said that, I wanted to raise also a couple of other issues today around the fact that the reason that this bill is so important to me is that having been a teacher for many years and having had really difficult conversations with young people and explaining that the way they are speaking to each other is not helpful or particularly nice. In fact, it stretches to being hurtful and potentially really does some damage to the people with whom they were apparently joking. I think that in Australian society and our culture very much is around "She'll be right" and, "It was just a joke, mate. Don't get so offended." I appreciate that. That is definitely part of the way that our society has evolved. But I also think that we have a responsibility to young people to call out inappropriate language and or behaviour in the community. This is a responsibility for all of us. What people—particularly young people—see and hear about women in particular is perpetuated by them and often in a cycle that is repeated within families. It becomes part of their values and part of the way they treat people. As a female teacher, it would be fair to say that I was not a pushover. I do not want that word to represent any message other than to say that I think I could stand my ground with people and have a reasonable argument with someone, listen to them but also have people understand and appreciate that what they are doing right now is not right in my classroom. I think that the example that we set for young people is incredibly important.

As I have really engaged in politics over probably the last 15 or so years, I have been interested in looking at America to see what is going on in US politics. In Donald Trump we arguably have the greatest misogynist of the modern era floating around. I have an amazing staff member and in her spare time she listens to a lot of political podcasts. She listened to Julia Gillard and bought me the book *Not Now, Not Ever*. It is a fabulous read, for anyone who has not read it. She is particularly interested in what Donald Trump is singlehandedly doing to break democracy in the US. It is really interesting to see what impact a powerful person in a powerful position—he is hoping to return to that powerful position—has on the conversations that are happening in society. I looked at an article that was written in 2015 titled, "18 Real Things Donald Trump Has Actually Said About Women". I preface this by saying that I have taken out all the X and R-rated references, so I will not mention any of those today. I picked out the ones that really demonstrate the impact his words could have if people absorb what he is saying and reflect that in their own thinking and then, as I referred to before, perpetuate that through their own thinking and speech and pass

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on those values to other families to perpetuate a cycle that we are very familiar with. This article on Donald Trump was written by Nina Bahadur. It states —

Donald Trump claims to “cherish” women, but his actions—and words—suggest otherwise.

Fox News’ Megyn Kelly called him out on his sexist behavior during the GOP debate on August 6, reminding him: “You have called women you don’t like ‘fat pigs’, ‘dogs’, ‘slobs’, and ‘disgusting animals.’”

He actually referenced women in those terms. It continues —

Trump laughed off the question, claiming he doesn’t “have the time for total political correctness.”

I would say common human decency, but he calls it total political correctness —

Later, Trump called Kelly a “bimbo” and said that he “didn’t recognize” the remarks she was referencing. —

That is very convenient —

Well, we recognize them.

Trump has consistently insulted, belittled, sexualized and stereotyped women. He has also taken the time to personally insult individual notable women like Sarah Jessica Parker, Rosie O’Donnell, Cher, Bette Midler, and others.

According to the article, this is what he had to say about his previous wife Ivana Trump —

“I would never buy Ivana any decent jewels or pictures. Why give her negotiable assets?” Trump is quoted as saying of his then-wife in a 1990 Vanity Fair piece.

...

In his 2006 book *Trump 101: The Way to Success*, Trump wrote: “Beauty and elegance, whether in a woman, a building, or a work of art, is not just superficial or something pretty to see.”

He is actually placing women in the same category as buildings and works of art. I was appalled at this next quote in the article in particular. This is a twitter—sorry it is a tweet. I am not up with the lingo! The article refers to a tweet from Donald Trump in 2013 that states —

26,000 unreported sexual assaults in the military—only 238 convictions. What did these geniuses expect when they put men & women together?

I know what I would expect, and it certainly would not be sexual assaults—appalling! The article goes on to say that he said that women have a great act going on to trick men. It quotes him from his 1997 book *Trump: The Art of the Comeback* that reads —

“Women have one of the great acts of all time. The smart ones act very feminine and needy, but inside they are real killers. The person who came up with the expression ‘the weaker sex’ was either very naive or had to be kidding. I have seen women manipulate men with just a twitch of their eye—or perhaps another body part.”

That comes from the aspiring President of the United States. I, for one, am appalled at that behaviour. It goes to show, again, how damaging those sexist, misogynistic values are and the damaging impact that they have on the people who read them or hear them. The United States could potentially do more to switch off Donald Trump, and not re-electing him at the next presidential election would be a great step, but as legislators, we need to do what we can.

Unfortunately, I have often heard those comments coming from teenage boys in school. When I have pulled them up on those sorts of comments, the answer is, “Just mucking around, Miss.” When I have contacted their parents, they say, “Ah, you know, boys will be boys.” I have a fundamental problem with that. I have a 15-year-old son who I hope I am raising to be different from that. He has said some terrible things to his sister, and I will put that in *Hansard* and embarrass him with it when he turns 21! I have absolutely pulled him up on some of the things that he has said about his sister, and so I should, and so we all should.

I also want to focus on a fabulous advertising campaign conducted by Always, an American company that is owned by Procter and Gamble, I believe. The article that I read about it said it was the second most viral advertising campaign worldwide ever. The campaign was called “Like a Girl”. I do not know whether members in the chamber remember it, but it was essentially an amazing interview in which people said, “We want you to be like a girl.”

[Member’s time extended.]

Ms J.L. HANNS: They were saying, “We want you to kick like a girl and dance like a girl.” The lesson that came out of the campaign was that the representation of boys was very different from that of girls. The clever part of that advertising campaign was how it pivoted that representation and showed how fabulous the women and girls who featured in that campaign were. It gave all of society, including men, the ability to reflect on the things that they

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say and do that is directed towards women and is potentially derogatory. The key message of that campaign was the phrase “like a girl”. The overwhelming market research around that campaign summed it up saying, “If you are like a girl, you are unstoppable.” That is incredibly powerful.

I mentioned that campaign because it leads into another point that I want to make about the fabulous addition to the WA sporting landscape that is AFLW. For those members who may already be aware of or follow AFLW, I am a passionate West Coast Eagles supporter. Minister Johnston, please do not make any comments. I know that the minister is a Collingwood supporter, but we will not have that fight in the chamber today.

In 2019, an iconic photo was taken of the AFLW player Tayla Harris that made the front page of most east coast newspapers. The picture was of Tayla Harris kicking the most incredible—I do not know the word for it, but I think it is called a drop punt. The image of her was strong and powerful and my first thought was that if I had done that, I would have pulled a hamstring. It was an incredible display of gymnastic ability, athleticism and power. It was fabulous. But guess what? Since that photo was taken, Tayla Harris has been subjected to incessant online trolling. In September 2021, two years after that photo was taken, an interview was conducted with Tayla in which she said that she was still being trolled online. That is appalling. I would like to talk to members about what Tayla Harris had to say about that. In that interview she states —

In 2019, I was thrust into the spotlight after some pretty crude, confronting and blatantly sexist things were said about Michael Willson’s now celebrated photo of me kicking a footy.

Despite what you might expect, most of the trolls weren’t from fake accounts. I looked through some of their profiles and saw they were mostly normal blokes—smiling in pictures with children, women, colleagues and friends.

That occurred to me as a bit odd. These guys weren’t monsters, they were somebody’s father, husband, partner and mate.

I am the first one to admit that I love technology. My Instagram feed is my little community where I connect with my followers to share my sporting achievements, —

And so she should —

what I do off the field and out of the ring, and the causes I’m passionate about.

The beast that is social media, on one hand makes positively connecting with friends and followers feel real and easy, but it also brings with it some negativity that has the potential to cause serious harm.

When I was subjected to relentless online abuse about the pic of me kicking a footy, I was struck by how easy it was to leave a comment without fear of repercussion and with the comfort of anonymity.

I know those trolls wouldn’t have had the guts to come up to say what they said to my face, so why did they think it was okay to say online?

It seems like a slippery slope. If people think making a sexist comment is OK, what else do they think is OK? Abusive direct messages? And how does the bloke who makes belittling comments online treat the women in his life offline ...

That is a really interesting question —

As an ambassador for Our Watch, I have learnt that these disrespectful attitudes don’t occur in a vacuum.

Disrespect and online abuse comes in many different forms including derogatory text messages or calls, sharing intimate images without consent, or the one I experienced, where negative things were posted about me for just doing my job.

The nasty and sexist online abuse I copped that sexualised my body and belittled my athleticism, not only had profound consequences for me and my loved ones, but it also sent a message to girls and young women that they’re not welcome on the field.

It is a message that continues to box women and girls out of playing traditionally male dominated sports and stops them from speaking out, participating and becoming leaders.

It also sends a message to boys and young men, that this is an OK way to treat women.

This isn’t about simply taking a few harsh comments on the chin, dusting yourself off and getting on with it, it is about recognising and stopping disrespect towards women because it can have significant consequences.

Despite the destruction the abuse caused, in some ways I am grateful for the experience.

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Without it I wouldn't have understood how gender inequality drives violence against women, and I wouldn't be dedicating my time, energy and passion both inside and outside of sport to preventing it.

I now am very aware of the online abuse that women cop, day-in and day-out. Especially those who are scrutinised by the public such as women in sport, women athletes and women in media.

I am hopeful that we are starting to implement the structural changes needed to stamp out online bullying and abuse, and to create a more gender equal world.

And to be honest if I can help just one young girl feel confident to kick the footy or feel safe online, I've already won.

Tayla Harris is AFLW player, an Our Watch ambassador and the Victorian Young Person of the Year 2020

That is so well deserved; what an incredible woman.

Some of the comments directed at Tayla Harris were that she was overrated and overpaid, and that she got lucky with one photo. Again, I think that is appalling. Tayla is a fabulous ambassador for young women.

That also caused me to reflect on the fact that Minister McGurk asked me to represent her as Minister for Women's Interests at the recent West Coast Eagles AFLW Club Champion Awards, which I was very pleased to do. It may be that Minister McGurk selected me to represent her as potentially this house's most fervent Eagles supporter! I was very proud to attend; I know that the member for Murray-Wellington would be shouting right about now if she were here and trying to claim that mantle, but she is not here, so I have taken the liberty! There was such a buzz in the room at the club champion awards, and such incredible energy and enthusiasm, and love for the game. The team actually played two seasons in one this year because of COVID impacting on the previous season. They are fit; I can tell members, I felt like I needed to spend about 10 years in the gym just to be able to run a lap with them!

However, I just want to reflect on the fact that these women are really unlike their male counterparts in the AFL. They have to balance work, training, family and paid employment, and that is a real challenge for them and certainly for their families. Emma Swanson won the club champion award, and when she gave her speech, she said that in her off-season she had planned to run six marathons, but her partner had said, "It'd be nice to spend some time together, actually, in the off-season, so perhaps six marathons might not be doable." These are people who are absolutely dedicated and are not paid as well as their male counterparts.

As a Brownlow Medal follower, I actually prefer the medal count to the fashions because I am a diehard football supporter. I was really interested to see the juxtaposition of how the media covered the AFL's Brownlow Medal count and the AFLW's W Awards. Patrick Cripps won the Brownlow this year and an article in *The West Australian* ran a beautiful photograph of him looking very happy that he had just won the Brownlow. It states —

Patrick Cripps has won the Brownlow Medal.

It might have moved from its traditional Monday slot, but the 2022 Brownlow Medal count lived up to the hype.

Northampton-born —

Fabulous for WA —

Patrick Cripps claimed his maiden Brownlow Medal after a herculean effort in a heart-breaking final round loss to Collingwood saw him receive three votes in the final round.

I want to compare the way that article in *The West Australian* was written with an article in PerthNow on the W Awards, which states —

The AFLW's best and brightest ditched their team colours in favour of glitz and glamour on Tuesday night as the coral carpet lit up in anticipation of the annual W Awards.

...

In a boilover, Brisbane midfielder Ally Anderson walked away with the major prize, dazzling in a yellow dress as she attempts to lead the Lions to their second premiership on Sunday against Melbourne.

Across the carpet, the competition celebrated ...

The article goes on to feature a range of pictures of the fashions worn by the ladies that evening. There is a real difference in the way that we are treating women and men in sport. Sport is often the way that young people learn how to have relationships on the sporting field, to work as part of a team and to support each other, and I think that is a really important change that we need to drive as a society.

In conclusion, I would like to make reference to the fabulous decision made a couple of years ago by the Minister for Education and Training to not allow mobile phones in schools in Western Australia. It is a particular problem,

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with social media being part of the issue. I had to do some pretty unfortunate things in response to that, as both a teacher and a deputy principal, in the days when phones were being used in schools by young people. There was a really unfortunate incident in which a young person had taken a nude selfie and sent it to her boyfriend. At the time she was 14 years old and he was 16. She obviously thought, “I love my boyfriend and I know that he loves me”, but her boyfriend showed the photo to his mates and actually sent it to some of his mates, and it was then shared on Snapchat. The mates sent a screenshot of it around and before long, a lot of the school had seen it, and I was unfortunately the deputy principal who had to deal with it. Young people do not necessarily understand that there is a police response to such matters, and depending on the nature of the offence, young people can become registered sex offenders, which will impact terribly on their future.

In closing my contribution today, I offer a word of warning to young people and parents: this decision on mobile phones in schools is an incredible one. It means that staff and kids can get on with teaching and learning—the really important things happening in schools. Thank you.

MS M.M. QUIRK (Landsdale) [11.34 am]: Before I focus on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022, I want to welcome students from Salvado Catholic College who are in the gallery today, and I hope they enjoy their visit to Parliament.

We have heard some very interesting and varied speeches today, on a wide range of topics, dealing with anything from AFLW to Hinduism and a range of other things, which goes to show how broadly advertising impacts on all our lives. I would like to focus on how we determine what is offensive, and whether a bill like this one trespasses on notions of free speech. I would also like to look at driver distraction. If we continue to have vehicles emblazoned with offensive material, what impact will that have on road users?

I recommend to every member a book by psychologist Tom Vanderbilt, titled *Traffic: Why We Drive the Way We Do and What It Says About Us*. It is a fantastic look at driver behaviour and has a valuable chapter on the impact of the use of mobile phones while driving, and other distractions. It states —

Human attention, in the best of circumstances, is a fluid but fragile entity. Beyond a certain threshold, the more that is asked of it, the less well it performs. When this happens in a psychological experiment, it is interesting. When it happens in traffic, it can be fatal.

In recent years, road safety authorities have very much focused on driver distraction. The Road Safety Commission put out a paper on driver distraction that says —

It is difficult to assess the true impact of distraction-related crashes, but it was estimated in Towards Zero as affecting 32% of all crashes. It is believed that the risks associated with distraction are high.

Distraction-related crashes remain a major concern for the Government and other road safety authorities across Australia. The Road Safety Commission has created a ‘Distance of Distraction’ education campaign, warning that drivers will be travelling ‘blind’ if they take their eyes off the road for just a few seconds.

Many members would have seen those very effective ads. Yes, it is conceded that texting while driving is probably the most dangerous conduct, but, as we see from those ads and from the research, even taking our eyes off the road for a nanosecond can have very serious consequences. I would contend that being distracted by the advertising and bon mots on Wicked Campers vehicles may well have the impact of adversely affecting driving behaviour and causing undue harm.

The problem, as defined by the Road Safety Commission, is —

... the voluntary or involuntary diverting of attention, in a visual, manual, auditory or cognitive sense, away from the driving task to focus on a competing secondary activity.

It contemplates that that could be —

... looking at something on the side of the road—anything that takes the driver’s attention away from the task of safe driving.

...

In 2017, it’s estimated that 77% of people killed or seriously injured were in crashes which involved a person making an error, a lapse in concentration, distraction, fatigue, judgement error or inattention. Only about 23% of people were killed or seriously injured in crashes that involved the primary risk taking behaviours of speeding, drink driving or not wearing a helmet or restraint.

They are very sobering figures. It goes on to say —

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This reflects a tremendous improvement in community attitudes and behaviour to taking known risks. However, inadvertent errors, including distraction, are far more difficult behaviours to change as they are often unintentional, and continue to be a significant issue in road trauma.

It notes that advertising —

... is an external factor that can distract drivers from the driving task. Evidence suggests that roadside advertising —

I would add, by extension, advertising on the vehicles that we are talking about —

can adversely influence driver attention, with some evidence that electronic billboards attracted longer glances from drivers than regular traffic signs ... Western Australian research in 2018 found that digital billboards significantly adversely affected driving performance in the areas of mean speed, speed variability, high risk headway, variability in lane positioning and visual fixations ...

Again, it is a matter of degree and relativity. Although digital signs and texting might be the most distracting, I suspect the distraction caused by sighting the advertising on one of the Wicked Campers vehicles would probably be of a higher order than just glancing at one's mobile phone. In any event, this legislation is of merit because it reduces driver distraction on the roads.

The second argument that has been made, which somewhat opposes this legislation, is that the bill restricts freedom of expression, but I would say that freedom of expression is not absolute. Members will be familiar with the age-old analogy made by Justice Oliver Wendell Holmes. He said that yelling "fire" in a crowded theatre, without such a fire existing, is an example of a situation in which freedom of expression should be curtailed. Similarly, I think we can say that, in the interests of public safety, generally, and cohesion within the community, it is appropriate to restrict freedom of expression in this context.

Having said that, licensing authorities can be a little narrow on some occasions, and we had an example just this week. A Victorian man's custom numberplates were banned because of a political slogan. This fellow had a numberplate that read "DANOUT", bearing in mind this was in Victoria—I will take this opportunity to wish all my colleagues in Victoria good luck for the pending election on Saturday. According to an article in news.com.au —

A Victorian man has slammed the state's road authorities after having his custom registration plates barred.

The man, who only gave the name Peter, said his 'DANOUT' plates were labelled "offensive" to premier Daniel Andrews, who is currently campaigning for votes with the state election looming.

I suspect Daniel Andrews knew nothing of this infraction —

Speaking on 3AW on Monday, Peter said the decision to axe his paid-for plates—which did not contain any obscenities—was a violation of free speech.

He said he previously bought plates with political messages in the past, plastering 'RUDDUD' behind his vehicle during Prime Minister Kevin Rudd's leadership.

"Freedom of speech obviously not allowed in Victoria ... I dunno, I'll have to do something different now ...

Since the Vietnam War, there have been a number of cases of the courts being reasonably liberal about freedom of political expression. With the notion of free speech in mind, I think we should take a similarly progressive view of advertising on vehicles that is basically political comment. That said, the conduct that this bill seeks to address is not of that nature.

That brings me to the question of what is offensive, and I will make an observation. A trend seems to have lately crept into our society of people who make offensive comments saying in the media, "If people were offended by that, I'm sorry." That is a qualified apology and, frankly, I have never considered that sort of apology good enough. Coincidentally, I ran into the august and very distinguished reporter Geof Parry on my way into Parliament this morning. I mentioned to him an edition of Channel Seven news from a few weeks ago that reported on the tragic death of a 64-year-old woman in a house fire. The victim was described as being elderly.

Mr S.A. Millman: Fifty-four?

Ms M.M. QUIRK: She was 64. I passed on to Geof Parry that I found that description somewhat offensive, personally. I reminded him that the word "elderly" would never be used in a description of the proprietor of the newspaper he works for. We would never talk about the elderly Kerry Stokes, the elderly Geof Parry—who is older than the victim—or, that great news institution, the elderly Susannah Carr. I use those examples to say that context very much depends on your own personal standards and what is the contemporary view. In terms of describing someone as "elderly", I make the point that judges can sit until they are 70 years of age, and one would never be so cheeky as to describe a High Court judge as elderly in similar circumstances.

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I am very pleased that the bill has pinned the criteria for what is offensive to the Australian Association of National Advertisers Code of Ethics because that has changed from time to time to keep up with community standards. It is a very clear document that sets out what is and what is not acceptable. For example, the code of ethics of February 2021 states —

Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

It sets out in some detail that such material should not be exploitative or degrading. It continues —

Advertising shall not employ sexual appeal:

(a) when images of Minors, or people who appear to be Minors, are used ...

...

Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

As other speakers have said this morning, this is not material that we have a choice to look at; it is thrust upon us as we are driving. The code continues —

Advertising shall not depict material contrary to Prevailing Community Standards ...

As I said, that is very relevant because the standards evolve over time. The code of ethics comes with a practice note, also from February 2021, which states —

Prevailing community standards apply to all parts of **Section 2**. This means that the Ad Standards Community Panel will have regard to community standards at the time the advertising or marketing communication was published. Prevailing Community Standards are determined primarily by the Community Panel, whose members are representative of the community, on a case by case basis, as part of the complaints process.

To assist advertisers and complainants, this Practice Note provides some guidance into Prevailing Community Standards.

That is very important because we will not have to come back to Parliament and necessarily change things. What is regarded as unacceptable will evolve from time to time. That said, quite a body of law exists in relation to offensive behaviour. I want to refer to a discussion paper. I am a bit reluctant to mention its name, but for the purposes of accuracy, it is called “*Dog arse cunts*”: *A discussion paper on the law of offensive language and offensive manner*, written in June 2020 by Mark Dennis, SC. If it were only an incidental reference, I would have worked my way around the title, but I want to refer to it at some length. The paper looks at the definition of “offensive”. It states —

It is suggested, however, that whilst the law appears well settled there is great scope for uncertainty in the interpretation and application of the judicial pronouncements on the topic.

He quotes one of the leading cases, which is a 1951 case of *Worcester v Smith* in which it was held that “offensive” meant “such as is calculated to wound the feelings, arouse anger or resentment or disgust in the mind of a reasonable person”.

[Member’s time extended.]

Ms M.M. QUIRK: It begs the question: what is a reasonable person in this case? Ad Standards gets over that difficulty by having reference to a community panel. The paper states —

So just who is the “reasonable person” who may have their feelings wounded, feel outrage, anger or disgust? This can be difficult to ascertain. Suffice to say that the Clapham omnibus has not been sighted in Wilcannia, Bourke or Walgett in recent times.

The paper then cites the 1966 case of *Ball v McIntyre* —

“... I recognise that different minds may well come to different conclusions as to the reaction of the reasonable man in situations involving attitudes and beliefs and values in the community, but for my part I believe that the so-called reasonable man is reasonably tolerant and understanding and reasonably contemporary in his reactions.”

Also in the case of *Marland*, the reasonable person is not thin skinned. That is probably what I would say about community standards.

As I already said, in terms of freedom of speech, we are not lumbered with the First Amendment of the United States where such matters are much more problematic because of the constitutional right to free speech. We will allow

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scope for valid political debate, and I think the examples on the Wicked vehicles are pretty straightforward and do not lead us to have too much trouble working out that the majority of the community would be upset and wounded by some of the sexist and racist comment on the vans. To use the words of Aretha Franklin, this is about *Respect*, and those vans show a lack of respect for fellow road users. I commend the bill to the house.

DR K. STRATTON (Nedlands) [11.57 am]: I stand to speak in support of the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022, which will help put an end to offensive advertising on vehicles, particularly the sexually explicit, racist, homophobic, fatphobic and misogynistic slogans seen from one company in particular. Wicked Campers, it is fair to say, deliberately made its name with its sexist spray-painted slogans that have been widely condemned by the community, tourism operators and caravan park operators who declined to have them in their parks, advertising watchdogs, the media and various state and local governments. A national petition to stop the vans from driving around gathered more than 125 000 signatures, of which 100 000 alone came in the first four days of the petition. This petition was started by an 11-year-old Sydney schoolgirl and her mother, Paula Orbea, after the girl saw “slut” on one of the vans. As a parent whose daughter had trouble learning to read, one of the strategies given to us was to read things out while in the car by identifying letters—that is, read registration plates and signs on the side of the road. Imagine if we had driven past a Wicked campervan and my daughter learnt that word, which is used only about women—never about men, and never as a compliment.

That petition is a great example of how community action or ordinary citizens using their voices can create effective and meaningful change. This petition spurred state and local governments around Australia to take action and to take a stand. Wicked Campers refused to respond to community demands to remove its offensive slogans in the initial aftermath of the petition, with its founder telling SBS television at the time that “bad publicity was better and easier to get”, and that he was in fact happy to see Wicked marketed not only in Australia, but also around the world. He later conceded and issued the only public apology he has ever made. It was at best a partial apology and at worst an insincere and meaningless apology. That apology began with —

It is impossible for us to conceive that a throw-away message written on a van could have such far-reaching implications for the community at large.

Calling women—calling us—denigrating names that seek to objectify us, that seek to reduce us to one or two roles are not throwaway messages; they are disturbing and offensive messages. They are also deliberate. When you stand with a spray can and write those slogans, it is not a throwaway action; it is a very deliberate action. Why it was impossible for the company to conceive the impact is far beyond me. The community feedback was pretty clear. I cannot understand it could not see that those slogans were a fundamental disgrace. The apology he made also came with an empty promise of removing just that one slogan. The company continued on its merry way with other sexist, homophobic and racist slogans. To add insult to injury, the company later referred to Paula Orbea, the instigator of that petition, as a mosquito that needed squashing. But this insincere, conceited apology was probably the biggest concession the company ever made because it is fair to say that Wicked Campers has not taken criticism well and has sought instead to punish those who have spoken out against it. In one well-known and publicised case, Wicked Campers responded with a threat of violence to a female journalist. Senior journalist Lucy Clark called Wicked Campers to account for its portrayal and treatment of women. Its response to her call to account came from the end of a spray can. A slogan, which I will not repeat, appeared on one of its vans. It named her, with her first and last name, and made an explicit threat of violence against her. The van was then sent to the neighbourhood in which she lived. They made her community unsafe for her. Obviously I cannot speak for Lucy, but I personally would find that intimidating, humiliating and denigrating, just as it was intended to be. As I said, that behaviour was deliberate and was intended to offend and, I dare say in this instance, to intimidate. Indeed, New South Wales police told Lucy Clark that the company’s behaviour was grounds for a charge of threatening to do harm. She instead lodged complaints with the Advertising Standards Bureau. However, the company has ignored over two dozen adverse rulings by both the Australian and New Zealand advertising watchdogs. Those watchdogs rely on corporate citizens to comply—to be good corporate citizens—but their rulings did not even raise a response from Wicked Campers, let alone any action.

Here we are instead with a need for legislation. I want to focus particularly on the sexist and misogynist slogans that this amendment seeks to redress. Let us be really clear: these are more than just slogans. They reflect, create and reinforce sexist and misogynistic attitudes. They signal that the authors consider it acceptable to speak about women, victims of domestic violence, the LGBTQIA+ community and other minority groups in such ways. They intend to demean, humiliate and perpetuate an abuse of power. It is relevant then that we are considering this legislation as we move into 16 Days in WA, beginning tomorrow, 25 November, the International Day for the Elimination of Violence Against Women, until 10 December, Human Rights Day. The 16 Days in WA campaign seeks to drive change in culture, behaviour and attitudes that lead to violence against women and their children and change in the kinds of attitudes and beliefs that we have seen expressed on Wicked Campers. Stereotypical

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gender roles and constructions of masculinity and femininity are key drivers of violence against women—the kinds of constructions that see women being demeaned and objectified.

I have been a social worker for a long time. I have worked in government, in the not-for-profit sector, in hospitals, in child protection, in research and in tertiary education. In every single one of those settings, domestic violence is a pervasive issue. Sometimes I am asked as a social worker what I would do if I had a magic wand. I would address two things—poverty and domestic violence, both of which have impacts throughout generations and across our entire community.

I have worked with women presenting to the emergency department at Fremantle Hospital. I recall one woman who had been assaulted and locked out of the house, naked. Her husband refused to pay the bill for the ambulance that brought her to our emergency department, so she was left with that debt. She was left with a financial, emotional and physical recovery. Most sadly, it was in my time at King Edward Memorial Hospital for Women that I saw some of the worst of family and domestic violence, working with women who very often were having their first experience of domestic violence. Pregnancy is a time when domestic violence often starts, as issues of power and control come to the fore. It is a time of great vulnerability for women. They need to protect not just themselves, but their unborn child. It can be a time of increased financial dependency. It is, of course, a time when women have a lot of increased contact with professionals, so there is much more opportunity to disclose. Often in these dynamics, there is an increase of suspicion and jealousy, changes in the couple's emotional, physical and sex life and a sense that the baby is getting between them. We would often encounter women having their first experience of physical domestic violence and times of greater financial control. We would routinely encounter men making sexual demands on their partners immediately post-delivery—in the delivery room. They would not allow their partner to breastfeed, because her breasts belonged to him, and would be asked to leave his name off the birth certificate. At that time that meant they could not be pursued for child support. In child protection, domestic violence was and still is very often a reason for children being taken into care. The lives of everybody in that family are then set on quite a different and traumatic trajectory.

I was involved in the 100 Families WA project that examined pathways in and out of poverty for Western Australians. This project built on the Family 100 project in Auckland. One of the findings of that work was the experience of what was labelled “sexually inherited debt”. For many young women, their relationship with debt began in a heterosexual relationship. The most common story would be that she would sign the credit papers for the purchase of the boyfriend's car. The boyfriend, and the car, would disappear, and the debt, of course, would not. The young woman would often then take out a credit card to pay off that first debt, and then take out another credit card to pay off that next debt. We met women in that research who at 25 years would have tens of thousands of dollars' worth of bad debt to their name. It is fair to say that domestic violence is a scourge on our community. We hold 16 Days in WA because as a community we continue to struggle to confront and end disrespect and violence towards women and to close other gender equity gaps that lay the groundwork for domestic violence. It means that when we see this kind of disrespect in action, wherever it occurs in social settings, in the workplace, in our communities, and on the side of a campervan, we must call it out. As community leaders, we must not only call it out, but also put measures in place to prevent it from happening.

A campaign kit is available as part of 16 Days in WA. The kit is designed to support the efforts of workplaces and community organisations to speak up and speak out. It provides organisations and people with key messages, facts and statistics, a list of 16 ways they can take action, social media tools, ideas for events, resources to help understanding and to support conversations, and, of course, information on services and supports where people can seek further assistance.

I would like to provide a brief extract from the Minister for Prevention of Family and Domestic Violence's preface to the campaign kit. I note that the McGowan government is the first in Western Australia to appoint a minister dedicated to this important role. I am very proud to be part of a government that takes this issue so very seriously. Minister McGurk writes in the preamble to the 16 Days in WA campaign kit —

While not all disrespect leads to violence, all violence starts with disrespect.

The recent parliamentary inquiry into sexual harassment in the FIFO mining industry shone a light on just how widespread and damaging this behaviour is—unfortunately for most women, it isn't surprising.

But it's not limited to the mining industry—it's a reminder that our workplaces can, and should, do more ... to support women.

To make meaningful change everybody must play a role.

Our annual campaign starts on 25 November (the International Day for the Elimination of Violence against Women) and finishes on 10 December (Human Rights Day).

Extract from Hansard

[ASSEMBLY — Thursday, 24 November 2022]

p5912c-5931a

Mr David Scaife; Dr Jags Krishnan; Ms Jodie Hanns; Ms Margaret Quirk; Dr Katrina Stratton; Mr Simon Millman; Mrs Lisa O'Malley

It's about promoting change in the community, in businesses and in workplaces to end violence against women, by building a culture of safety and respect.

I'm heartened by the growing community of supporters who are making it their business to end violence against women, expect respect and take action.

Wicked Campers is clearly not a part of the community of supporters. It is important that we consider the kinds of attitudes it perpetuates and take action on the misogyny, objectification and denigration of women it engages in. It is meaningful that we take this action on the eve of 16 Days of WA.

The Western Australian McGowan government has been very proactive in addressing domestic and family violence. Since last year's 16 Days of action campaign, the McGowan Labor government has continued to work on addressing the effects of violence on women. In the 2022–23 state budget, the government invested \$7.7 million in family and domestic violence response teams. We provided \$7.5 million to fund a range of initiatives in the family, domestic and sexual violence sector, as part of WA's signing the commonwealth's national partnership on family, domestic and sexual violence responses. We have committed \$14.7 million to create WA's third one-stop family and domestic violence hub in Armadale, which builds on the success of similar hubs in Mirrabooka and Kalgoorlie. Another family and domestic violence hub is set to be established in the Kimberley.

When I went worked at Curtin University, I was on the evaluation team that looked at the outcomes of the pilot hubs in Mirrabooka and Kalgoorlie. Even in their establishment phases, they were a signal to the community that a collaboration of organisations and community members would not only not tolerate domestic violence, but also actively respond to it. That was a really important message to those communities.

We have committed another \$4.5 million to help address family and domestic violence in the Kimberley through two programs: the Derby Family Violence Service and the Change Em Ways Kimberley project. We have released a new women's report card to show a snapshot of the status of women in Western Australia in 2022. We are delivering on our \$1.65 million election commitment to expand the Safer Pathways program, which supports women who are experiencing family and domestic violence to remain safe and secure in accommodation.

[Member's time extended.]

Dr K. STRATTON: We are consulting the public on coercive control laws. Coercive control is an insidious form of prolonged abuse that undermines a victim's autonomy and is a red flag for further physical and sexual violence. We are releasing the \$3 million family and domestic violence primary prevention grants program to eligible organisations to deliver community programs that address the drivers of violence and prevent it before it occurs.

The 16 Days campaign kit outlines 16 different ways in which we can take action against domestic violence, build respect for women and address issues of gender inequity. Some ways include hosting an event or activity to raise awareness, wearing something orange, sharing 16 Days messages on our social media platforms, volunteering time to community organisations that assist women and children experiencing family and domestic violence, and getting informed. When we are invited to get informed, we are also invited to be prepared to learn. We can donate money, care packs, toys and clothing to women's refuges and other organisations. We can all be active bystanders. We can not only call out behaviour, but also be a role model for what respectful behaviour looks like. We can talk about respectful relationships.

I was really pleased last month to stand alongside Minister Ellery and Minister McGurk as they announced the expansion of consent education across Western Australian high schools. They are really important conversations for us to be having with our children and young people. We should think about how we would respond to a disclosure and, in a workplace, have policies, procedures and pathways ready and available. We should remember that changing perceptions is everybody's business. It is up to us as community leaders and community members to model respectful behaviours.

Next week, it will be my honour to attend the thirty-second annual silent domestic violence memorial march in Forrest Chase. We will pay our respects to the men, women and children who have lost their lives due to domestic violence and reflect on the impact of domestic violence across our community. I will represent the Minister for Health and lay flowers in memory of those who have lost their lives to domestic violence.

Attitudes to and disrespect of women are the creators and perpetuators of family and domestic violence. Research about attitudes to violence against women is quite concerning. The Australia-based National Community Attitudes Towards Violence Against Women Survey is the longest running survey of its kind. It gives us a picture over time of how and whether attitudes to women and domestic violence are changing. The survey examines violence and the attitudes that excuse the perpetrator, hold women responsible, mistrust women's reports and experiences of violence, and minimise violence against women by denying its seriousness or impact and disregarding the need to gain consent.

In 2017, the most recent survey, it was found that one in five Australians believe domestic violence is a normal reaction to stress. One in five also believe that sometimes a woman can make a man so angry he hits her without meaning to. One in three Australians believe that if a woman does not leave her abusive partner, she is responsible

Mr David Scaife; Dr Jags Krishnan; Ms Jodie Hanns; Ms Margaret Quirk; Dr Katrina Stratton; Mr Simon Millman; Mrs Lisa O'Malley

for the violence continuing. One in five believe that many women tend to exaggerate the problem of male violence. The same survey showed that many deny gender inequality is a problem, with two in five believing many women exaggerate how unequally we are treated in Australia.

Further to this, White Ribbon Australia has reported that 42 per cent of young men aged 18 to 34 do not consider physical violence, such as punching or hitting, to be domestic violence, and 44 per cent of men aged 18 to 34 do not believe that non-consensual sexual activity constitutes domestic violence. These findings are simply frightening. Too many of us are prepared to excuse violence as being a “normal” part of the gender dynamic in heterosexual relationships—the type of gender dynamic that Wicked Campers also helps to promote as normal.

Our attitudes are formed by the world around us—our families, our friends, our communities, our schools, our media, our government, and, of course, advertising. Many complex factors contribute to violence against women. Attitudes that endorse and condone violence and disrespect towards women and promote gender inequality are one of those factors. There is evidence that when we address these underlying factors, violence against women can be prevented before it even occurs.

Obviously, statements on Wicked campervans are not worth repeating here, but they perpetuate stereotypes about women’s place, objectify women, portray the relationship between men and women in very traditional and sexist ways, and reduce us to having only particular roles and functions. We need action, and this 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. The CEO must receive written notification from Ad Standards that the advertising displays on a vehicle breaches the Australian Association of National Advertisers Code of Ethics. The CEO will give a licence warning notice, and if the advertisement is not removed from the vehicle, the vehicle licence may be cancelled on a stated date at least 14 days from the date of the warning notice being issued. That will give the owner of the vehicle or the licence holder the time to remove the offensive advertising. The powers that are introduced by this bill will be limited to vehicles displaying advertising that is deemed offensive. It will not impact the overwhelming majority of those who use their vehicles to advertise. It is targeting the very worst and most offensive examples. Relying on the expertise of Ad Standards to determine whether an advertisement is offensive draws on existing evidence and structures for making such determinations.

Finally, I also welcome this legislation as a parent. Like a lot of children of this generation, my kids are immersed in the online world. Social media and the role of influencers have made it very hard for us as parents to really control the advertising that comes into our children’s lives. My daughter spends a lot of time on TikTok and is particularly, I think, influenced by social media influencers who disguise their advertising as other activities. She picks up a lot of her material desires but also her ideas of what is important and what is a priority from those places. Advertising on vehicles is, of course, visible to all road users. It cannot be blocked. We cannot switch it off. We cannot unsubscribe. Yes, we can drive on by, but I do not think we should have to. I think banning offensive advertising on the road makes our jobs as parents just that little easier in managing the values that our kids are presented with. If I want to have a discussion with my son and daughter about gender stereotypes and about misogyny and respectful relationships, I do not want that conversation to be prompted by driving past a Wicked campervan. We should be able to initiate that ourselves within the context of our family and community values.

Not only as a member of the McGowan Labor government but as a social worker and a parent, I recommend this legislation to the house.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [12.24 pm]: I rise to make a contribution on the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. I do so with some hesitation after having listened to a number of the contributions that have been made in the debate. I must say that the statistics that the member for Nedlands just referred to on attitudes to domestic violence amongst young people makes for some sobering listening. It sort of threw me off course in respect of the contribution that I was going to make. I was going to start by saying, firstly, that a lot of the touchstone issues that this legislation deals with have been widely canvassed by members who have already made a contribution.

Things I had in mind that I would like to speak to when speaking to this legislation were the minister’s brilliant comment that whilst not all disrespect to women leads to violence, all violence against women starts with disrespect. People have spoken about the importance of freedom of expression and freedom of speech. These were the touchstone issues that I wanted to stand up and talk on. The challenge is that when we turn our minds to gendered and sexualised violence and discriminatory and offensive language, the contributions made—I have in mind obviously the contribution that has just been made by the member for Nedlands and the contribution yesterday by the member for Kingsley—lead us with very little to add to the store of what is in the debate. Then I thought maybe I will make an argument about the legal aspects and about the point that has been made by some around freedom of speech, but I heard the contributions of the member for Landsdale and the member for Cockburn covered off on some of those legal elements. I think a multitude of contributions reflect the comments that I was going to make, but I want to say a couple of things.

I want to couch my comments by starting with that point about free speech because it has come up quite a bit in the speeches made. There is no constitutional guarantee to free speech. There is not even an express freedom of political communication. The freedom of political communication in the Australian context that people talk about is an implied freedom. The High Court needed to distil that freedom through an interpretation of the words in the text on the page of the Constitution. People need to be aware that we cannot just go around throwing this phrase “free speech” around willy-nilly because it sits within a very specific context.

The reason that I wanted to make that point is that we as a political community face a really dangerous challenge by emerging elements on the right-wing fringe of political discourse—people who invoke these ideas that have no sound basis and say their freedom of speech is undermined or impaired. We really saw this concept come to the fore during the marriage equality debate. Victoria is called to mind because the state election is coming up this weekend, and I will touch on the consequences of the rise of this right-wing narrative—but it started with the marriage equality debate and was then accentuated by the Victorian state government’s response to the COVID pandemic and some of the health and safety emergency measures that had to be put in place by the Victorian government. I for one thank God that we in Western Australia were kept insulated from the worst ravages of COVID through a combination of community attitudes, our physical and geographic isolation and incredible management from the McGowan Labor government. I can only express my sympathy for what transpired in Melbourne and Victoria more broadly.

As a result of these fringe elements agitating in the Victorian political context, we have seen the rise of rather extremist candidates within the Victorian Liberal Party. I will quote here from an article by Mark Kenny that was published earlier this week on *The Conversation* news website called “Victorian Liberals embarrassed by extremists within: how does this keep happening?” Mark Kenny states —

By rights, Victorians marking their ballot papers in the 2022 election this week should be casting judgment on the unprecedented emergency powers enforced during the COVID-19 crisis, while also evaluating the health, education and economic policies put forward in Australia’s second-most-populous state.

Instead, anti-women and anti-First Nations sentiments expressed by hard-line Liberal candidates have dominated the headlines.

Days out from the November 26 poll, the Liberal Party led by Matthew Guy (for the second time) has been rocked by revelations that some of its endorsed candidates hold extreme racist, anti-gay and anti-abortion positions, and would cross the floor against climate targets.

The extreme views were either not revealed or never enquired about during the Liberal Party’s preselection and candidate vetting processes.

Personal convictions include opposition to: abortion, the constitutional enshrinement of the Voice to Parliament, and even kindergarten.

Most of these convictions, which are seriously out of step with community attitudes and official Liberal Party policy, appear to originate from the dogma of ultra-conservative Christian churches.

...

Hitherto undisclosed loyalties to hard-line fundamentalist Pentecostal groups have fuelled fears of an orchestrated strategy by extreme right-wing Christians to control the Liberal Party. From there, it could exercise unseen influence over the state.

The controversy suggests the Victorian Liberals have allowed themselves to be infiltrated by ultra-conservative Christians in exchange for the influx of new members, and the funds and organisational wherewithal they bring.

...

... new problems emerged concerning two ultra-conservative Liberal candidates. The first is Renee Heath, who heads the upper-house ticket for Eastern Victoria.

I am just pausing from quoting from the article at that point. Renee Heath is in the number 1 spot for an upper house ticket for a Victorian region. She is the first candidate endorsed by the Liberal Party to be elected to a relatively conservative part of the state of Victoria. What I find amazing about that is that the electorate for which she is standing is relatively contiguous with a very good member of the National Party in Victoria. I am conscious that the member for North West Central is in the chamber, so I say this for her benefit. I refer to a man by the name of Darren Chester, who, in fact, voted yes in the marriage equality debate. The Liberal Party deliberately preselected Renee Heath to be number 1 on their upper house ticket for the Eastern Victorian Region. That is despite the fact that Renee Heath allegedly attacked Darren Chester. The article continues —

Extract from Hansard

[ASSEMBLY — Thursday, 24 November 2022]

p5912c-5931a

Mr David Scaife; Dr Jags Krishnan; Ms Jodie Hanns; Ms Margaret Quirk; Dr Katrina Stratton; Mr Simon Millman; Mrs Lisa O'Malley

It has been alleged members of the City Builders Church, to which Heath belongs, actively orchestrated a campaign of resistance against the federal member for Gippsland, Darren Chester, after the moderate Nationals MP advocated a “yes” vote in the marriage equality plebiscite.

After revelations came to light about these extreme right-wing views held by Renee Heath, Victorian Leader of the Opposition, Matthew Guy, said “No; sorry! It was all a big mistake!” This deliberately preselected candidate for this obviously winnable position at the top of the ticket in a conservative part of the state was dis-endorsed. If she wins election to the Parliament of Victoria on Saturday, which she probably will because she is in that privileged position at the top of the ticket, she will not be able to sit in the Liberal Party room. That is the attitude they have taken to Renee Heath.

The problem is that it is not limited to one person. Another candidate running in the lower house is a chap by the name of Timothy Dragan, who is a candidate for Narre Warren North. Timothy Dragan is a 26-year-old man and president of the local Liberal Party branch. I quote from an article of 20 November by Sumeyya Ilanbey in *The Age* —

The Liberal Party’s candidate for Narre Warren North says Australia should not recognise First Nations people because “we won this land fair and square”, that waste from nuclear energy should be dumped in Alice Springs, and that he would vote to ban abortion.

He made all these outrageous comments such as —

“There’s no such thing as traditional Australians,” ... “Because Australia is a post-colonial concept ... It’s like telling Britain to give the land back ... I mean, come on man, it’s bollocks. It’s absolute bollocks.”

I am just quoting his comments. Lo and behold, the journalist went to see him at the pre-poll station in Narre Warren North, and he declined to comment in response to questions about the views that he expressed in the audio interview. In a statement released by the Liberal Party—you can’t write this stuff; it is beautiful—shortly after, he stated —

“I apologise unreservedly for my insensitive and inappropriate language,” ...

“These comments do not reflect the views or policy positions of the ... Party.”

Dragan is still the Liberal Party candidate. He has not been dis-endorsed by the Liberal Party. There are volunteers out there today handing out flyers for Dragan to get him elected as the candidate for Narre Warren North because of this contentious and thinly veiled apology. He is of the same ilk as Tim Smith.

The member for Caulfield, David Southwick, is a Liberal member and shadow Attorney General. Tim Smith criticised David Southwick because David Southwick criticised Renee Heath. Tim Smith defended Renee Heath and said that David Southwick, who is an Orthodox Jew, did not understand his own religion. I hope that David Southwick loses and I hope that Labor wins the seat of Caulfield on Saturday, and if it does, it will be the first time it has ever won that seat. However, the problem for the Liberal Party is that people like David Southwick are being lost to the cause of the Liberal Party, while people like Tim Smith, before he crashed his car into the fence in Camberwell after having had too much to drink—reminds me of Troy Buswell—had been made the shadow Attorney General. Perhaps his complaint against David Southwick was that David Southwick is now the shadow Attorney General. There is Tim Smith, former shadow Attorney General, supporting people like Renee Heath when Matt Guy is trying to get his party into line and say, “You know what; this is not who we are.” The fact is that the Liberal Party faces a watershed moment: it is facing a fundamental challenge to its beliefs.

The National Party in Victoria is sticking true to its values, I think, by supporting people like Darren Chester. I am very sad to say—this person does not know me, but I have watched her career with interest—that Steph Ryan, the member for Euroa, and the former Deputy Leader of the National Party in Victoria, is standing down at this election. I wish her well. People like Steph Ryan, Darren Chester and David Southwick are the sensible and moderate voices within the National Party and Liberal Party that will enable those political parties to play the role they are required to play within a mature, sensible and moderate modern democracy like Australia.

The voices of Tim Smith, Renee Heath and Catherine Cumming, who is running for the Freedom Party of Victoria or the Angry Victorians Party, whatever party it is, are getting preferences from the Liberal Party. People like Timothy Dragan grab these concepts like free speech and wrap them around really extreme sentiment and a radical right-wing political agenda. I am sad to say they adopt this political agenda from the United States. I refer back to Mr Dragan in that regard. I was flabbergasted by this. He said he would cross the floor if his party voted in support of climate change, and he has twice signed a statement on social justice petition written by a group of Christian leaders in America’s south; it reads —

The statement supports ‘complementarianism’, a Christian theological belief that men and women have distinct roles that should be obeyed.

It says while women may assist in the decision-making process, “the ultimate authority for the decision is the purview of the male in marriage, courtship, and in the polity of churches ...

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Mr R.R. Whitby: There you go—your modern National!

Mr S.A. MILLMAN: Modern Liberal! Remember, minister, this is the one who is still a Liberal. He has not been dis-endorsed; it is the other one, who is guaranteed to win, who has been dis-endorsed!

Timothy Dragan said he did not care about his party's position on achieving net zero and he would cross the floor if it tried to legislate for it. He is opposed to a treaty with our First Nations people and a voice to Parliament; he is obviously a sexist and misogynist based on his views in supporting this southern Evangelical Christian organisation from the United States—and he is still the endorsed candidate! He is trying to undermine the moderate sector of his party. I do not need to go into it, but the article goes on. He lives in the neighbouring seat of Berwick, and he confessed to not voting for the Liberal member for Berwick. He did not vote for him—he gave him third preference—because he does not like the guy! He holds a different view.

This is not confined to the Liberal Party in Victoria or other conservative parties. Everyone here remembers Katherine Deves, the Liberal candidate for Warringah, who was endorsed by Prime Minister Scott Morrison in the lead-up to the last federal election. Probably a significant part of the reason why Kate Chaney is the member for Curtin, Zoe Daniel is the member for Goldstein and all the other teal candidates were successful on the eastern seaboard is that the sensible centre that the Liberal Party should represent has now been abandoned as it races over to the right-wing fringes. We talk about concepts like freedom of speech, but it is not an absolute right. It has to be exercised in moderation. My call to those Liberal Party members is to do away with the extremist fringe, if they want to. If they do not want to do that, do not worry about it, but it will be very hard for them to win back the seat of Mount Lawley, that is for sure. It is not good for democracy. They should do away with their extremist fringe.

Mr R.R. Whitby: They are running the show.

Mr S.A. MILLMAN: That is a fair point, but their time is up. If it continues the way it is going, they will continue to be represented by a small number of members in Parliament. I imagine that if the sentiments being expressed by those candidates in the Victorian state election were expressed in an upcoming Western Australian state election, at the very least the seat of Cottesloe would become a very attractive target for a teal candidate. Members should beware of absolutist positions. They should take nuanced, thoughtful and moderate positions and think about what the consequences of their actions might be. Members should do what they can in order to keep themselves at arm's length from this sort of behaviour.

As I said at the start of my contribution, others have spoken more accurately, eloquently and appropriately on what the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 sets out to achieve. I have used it as an opportunity to highlight some concerns that I have around extremist political ideology. I commend the McGowan government for being a government of the sensible centre and introducing legislation that garners the support of people in the opposition like Shane Love, member for Moore, whose comments I commend. I commend the bill to the house, I commend the minister for bringing this legislation forward and I thank members for their patience.

MRS L.M. O'MALLEY (Bicton) [12.41 pm]: I rise to add my contribution in support of the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022. I am going to begin with a quote that speaks to the underlying subject matter or subtext to the higher purpose of what may be seen on the surface to be a relatively minor piece of legislation: the critically important societal issue of hate speech, in particular gendered hate speech, and the far-reaching consequences associated with such behaviour. Alongside the narrative of freedom of speech, the intent and express purpose of the bill before us is to enable the cancellation of the registration of vehicles that display advertising deemed by the Ad Standards Community Panel to breach the Australian Association of National Advertisers Code of Ethics. I will look at some of the detail contained in the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022, but it is the underlying theme of hate speech, particularly gendered hate speech, versus freedom of speech that I will reflect on a little further.

In May 2019, United Nations Secretary-General António Guterres stated —

Addressing hate speech does not mean limiting or prohibiting freedom of speech. It means keeping hate speech from escalating into something more dangerous, particularly incitement to discrimination, hostility and violence, which is prohibited under international law.

The UN article states —

The need to preserve freedom of expression from censorship by States or private corporations' is often invoked to counter efforts to regulate hateful expression, in particular online.

Freedom of opinion and expression are, indeed, cornerstones of human rights and pillars of free and democratic societies. These freedoms support other fundamental rights, such as to peaceful assembly, to participate in public affairs, and to freedom of religion. It is undeniable that digital media, including social media, have bolstered the right to seek, receive and impart information and ideas. Therefore, legislative

efforts to regulate free expression unsurprisingly raise concerns that attempts to curb hate speech may silence dissent and opposition.

To counter hate speech, the United Nations supports more positive speech and upholds respect for freedom of expression as the norm. Therefore, any restrictions must be an exception and seek to prevent harm and ensure equality or the public participation of all. Alongside the relevant international human rights law provisions, the UN Rabat Plan of Action provides key guidance to States on the difference between freedom of expression and “incitement” (to discrimination, hostility and violence), which is prohibited under criminal law. Determining when the potential of harm is high enough to justify prohibiting speech is still the subject of much debate. But States can also use alternative tools—such as education and promoting counter-messages—to address the whole spectrum of hateful expression, both on and offline.

Although the quote relates to the more extreme end of the outcome spectrum, it is the far-reaching and incredibly damaging impacts along the way of hostility and violence that should cause us to have the same level of concern, because we know that all hostility and violence directed towards women begins with disrespect.

This brings us to the focus of this bill: to address offensive advertising on vehicles that put at risk vulnerable social groups such as minority groups, young people and the victims of domestic violence. The passing of the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 will remove an opportunity for the disrespect of vulnerable groups through the prohibition of all gender-based and hate speech advertising on vehicles. As other members have noted, advertising on vehicles is visible to all road users. Unlike other forms of advertising, one cannot switch it off, turn the page or unsubscribe to avoid seeing it or prevent children from being exposed to it.

As a family-run small business owner, I know firsthand that advertising, specifically advertising on vehicles, is an important and, in many cases, necessary part of doing business. The overwhelming majority of advertising on vehicles is perfectly acceptable and a legitimate means by which to advertise a business. However, there has been longstanding community concern about the sexually explicit, misogynistic or otherwise offensive advertising that has appeared on some vehicles. This is simply not acceptable. As the member for Collie–Preston noted in her contribution earlier today, many clever and amusing examples of vehicle advertising exist that can give a small business an advertising advantage without causing offence through disrespectful images and the use of hate speech. Humour is a powerful marketing tool, but there is nothing funny about gendered hate speech, disrespectful images and casual misogyny. Although I am fortunate to have had no personal experience of gender-based violence, I, like all women, encounter casual misogyny on a daily basis. Misogyny can be defined as hatred of, contempt for or prejudice against women. It is a form of sexism that is used to keep women at a lower social status than men, thus maintaining the societal roles of patriarchy. Misogyny has been widely practiced for thousands of years. It is reflected in art, literature, the structure of human society, historical events, mythology, philosophy, religion and, as we know, very often in the media. On the topic of misogyny, an online article in “odyssey” lists 10 misogynistic behaviours that somehow still exist but need to end now. It states —

You may not realize what you’re doing, but make yourself aware of who you’re hurting or disrespecting.

The word “misogyny” gets thrown around a lot these days, though a lot of people aren’t certain about what it exactly means. “Misogyny” and “sexism” are frequently used interchangeably, but they’re actually different things. Sexism refers to discriminating because of sex, whereas misogyny is a hatred or mistrust of and prejudice against women. Misogyny is very much present in everyday life ... but because of our society’s acceptance of the mistreatment and degradation of women, that they’ll accidentally or unknowingly act misogynistically.

That is in reference to men and some of the casual language that is used on a daily basis.

Debate interrupted, pursuant to standing orders.

[Continued on page 5942.]