

16 December 2022

Hon Peter Foster MLC
Chair, Standing Committee on Environment and Public Affairs
Harvest Terrace, Parliament House
PERTH WA 6000
By email: env@parliament.wa.gov.au

Dear Peter,

PETITION NO. 071 – PROTECTING CHILDREN FROM HARMFUL HYPERSEXUALISED ADVERTISING

We refer to your letter dated 17 November 2022 requesting a written submission regarding this petition tabled on 15 November 2022. We have conferred and elected to lodge a joint submission as Principal Petitioner¹ and Tabling Member².

Background

It is pleasing to see the Government is concerned about the adverse consequences that offensive advertising can have on the community and as a result has introduced the *Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022* into the WA Parliament. We note, however, that this Bill only focuses on offensive advertising on vehicles. The Minister appropriately stated in her second reading speech:

“unlike other forms of advertising, you cannot switch it off, turn the page or unsubscribe to avoid it, or if you would rather your children were not exposed to it.”³

Likewise, parents and children cannot unsubscribe to outdoor advertising to avoid it. As noted by the Commissioner for Children and Young People, outdoor advertising includes advertisements placed on billboards, bus shelters, taxis, buses, shopping malls and sportsgrounds.⁴ The Minister further added:

“There has, however, been some longstanding community concern about sexually explicit, misogynistic or otherwise offensive advertising that has appeared on some vehicles, an example being Wicked Campers.”⁵

¹ Nicole Robins is a mother, high school teacher, Local Government Councillor and the Principal Petitioner

² Hon Nick Goiran is a father, Shadow Attorney General, Shadow Minister for Child Protection and Industrial Relations and the Tabling Member

³ Western Australia, Parliamentary Debates, Legislative Assembly, 17 August 2022, 1 (Rita Saffioti, Minister for Transport)

[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/69af3c6755e64781482588c3001e1994/\\$FILE/A41+S1+20220817+p3677b-3678a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/69af3c6755e64781482588c3001e1994/$FILE/A41+S1+20220817+p3677b-3678a.pdf).

⁴ [Joint Standing Committee on the Commissioner for Children and Young People, Parliament of Western Australia, *Sexualisation of Children: The Commissioner for Children and Young People’s 2013 report on the Sexualisation of Children \(Report No. 3, June 2014\) 90.*](#)

⁵ Western Australia, Parliamentary Debates, above n 3.

The Minister also rightly pointed out that, while a complaint about offensive advertising may be made to Ad Standards, Ad Standards has no power to require an advertisement to be modified or removed.⁶ Hence the necessity to introduce the Bill. Other community organisations, such as Collective Shout, have further elaborated on the flaws in the current system such as its reliance on the public to make complaints rather than adopting preventative measures.⁷

In 2012, the then President of the AMA, Dr Steve Hambleton, called for an inquiry into the sexualisation of children in advertising and said:

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

“The current self-regulatory approach through the Advertising Standards Bureau is failing to protect children from sexualised advertising.”⁸

The office of Hon Nick Goiran MLC has received numerous complaints from constituents about hypersexualised advertising in shopping centres and outdoor spaces. The number of petitioners to this petition also makes clear our community’s concern about the harms caused by these additional methods of advertising.

Demonstrated Harms of Hypersexualised Advertising

In 2006, The Australia Institute published a paper which found that children are unavoidably exposed to heavily sexualised outdoor advertising, causing them to adopt the message that being sexy is the way to be successful and feel good about oneself. This paper noted the following risks of premature sexualisation of children:

1. it impacts the capacity of children to develop healthy body image and self-esteem, manifesting in a trend for young people to be hospitalised for severe eating disorders at younger ages; and
2. children may instead focus on sexualising themselves rather than age-appropriate developmental activities.⁹

A study published in 2014 found that girls between the ages of 4-10 years old were increasingly adopting sexualised behaviours.¹⁰

An issues paper prepared by Women’s Health Victoria and published in December 2018 made the following finding:

⁶ Ibid.

⁷ Caitlin Roper, ‘25 Reasons why Ad Industry Self-Regulation is a Disaster’, *Collective Shout* (Blog Post, 20 June 2016) <https://www.collectiveshout.org/reasons_why_ad_industry_self_regulation_is_a_disaster>.

⁸ AMA, ‘AMA calls for new Inquiry into the sexualisation of children in advertising’ (Media Release, 3 April 2012) <<https://www.ama.com.au/media/ama-calls-new-inquiry-sexualisation-children-advertising>>.

⁹ Emma Rush and Andrea La Nauze, Letting Children Be Children Stopping the sexualisation of children in Australia (Discussion Paper Number 93, The Australia Institute, December 2006) v, vii <https://australiainstitute.org.au/wp-content/uploads/2020/12/DP93_8.pdf>.

¹⁰ Marika Tiggemann and Amy Slater, ‘Contemporary girlhood: Maternal reports on sexualized behaviour and appearance concern in 4–10 year-old girls’ (2014) 11(4) *Body Image* 396, <<https://www.sciencedirect.com/science/article/abs/pii/S1740144514000734>> .

“The sexualisation and objectification of women in advertising and other mass media has a negative impact on women’s health and wellbeing. The ubiquity of sexualising and objectifying portrayals of women in advertising and other media causes girls and women to understand that they will be viewed and evaluated based on their appearance. Girls and women who are regularly exposed to sexually objectifying media content are more likely to objectify themselves and internalise unrealistic appearance-related ideals.”¹¹

This paper goes on to find that:

“Objectifying and sexualised media content is associated with attitudes that support violence against women. Specifically, exposure to advertisements and media content that objectifies or sexualises women is associated with a greater support for sexist beliefs, attitudes that blame victims for sexual violence, a greater tolerance of sexual aggression, and men’s use of sexually coercive behaviour. Attitudes and beliefs that condone violence against women are recognised as an important underlying cause of violence against women.”¹²

The Commissioner for Children and Young People’s Report

On 11 January 2013, the Commissioner for Children and Young People provided a report to the Joint Standing Committee on the Commissioner for Children and Young People entitled *“The Commissioner for Children and Young People – Report into the Sexualisation of Children”*. This report was to consider certain matters insofar as they may be relevant to the sexualisation of children and make recommendations as to any specific actions required to be taken by the government of Western Australia in order to better secure the wellbeing of children and young people in Western Australia.¹³

In relation to outdoor advertising specifically, the Commissioner noted that:

“In the 2008 Senate Committee report on the sexualisation of children in the media, it was noted that outdoor advertising is particularly problematic because it is impossible to restrict children and young people’s access to the images and, for this reason, there is an argument for treating billboard and outdoor advertising differently from other types of advertisements”¹⁴

The Commissioner recognised that a review into Western Australia’s legislative powers to prohibit particular advertisements would need to be conducted, and proposed that:

“Consideration be given to referring to the Law Reform Commission of Western Australia a review of Western Australia’s laws and regulations that may impact on the regulation of the content and display of billboard and outdoor advertising to determine if there is any scope for

¹¹ Mandy McKenzie et al, Advertising (In)equality: The Impacts of Sexist Advertising on Women’s Health and Wellbeing (Issues Paper 14, Women’s Health Victoria December 2018) 5
<https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3049/attachments/original/1554643837/Issues-Paper_2018.12.06_Advertising-inequality-the-impacts-of-sexist-advertising_Dec-2018_%28Fulltext-PDF%29.pdf?1554643837>.

¹² Ibid.

¹³ Joint Standing Committee on the Commissioner for Children and Young People, Parliament of Western Australia, *Sexualisation of Children: The Commissioner for Children and Young People’s 2013 report on the Sexualisation of Children* (Report No. 3, June 2014) 32.

¹⁴ Ibid 90.

*Western Australia to regulate the nature and positioning of outdoor advertisements to ensure that children and young people are protected from exposure to sexualised images.*¹⁵

In response to the above proposal, in 2014 the Western Australian Government stated that it would be premature to make such a referral pending the release of the Commonwealth Government's response to the Australian Law Reform Commission's report into the National Classification Scheme.¹⁶

To date, more than eight years later, it appears no official response was issued by the Commonwealth Government in this regard. While no further attention has been given to this issue, complaints about explicit and sexualised advertising in public spaces have persisted with a recent example occurring in July 2022. This example involved a retail store advertisement which displayed female genitalia at the Lakeside Joondalup Shopping Centre, at the same time winter school activities were occurring.¹⁷

A complaint was made to the Ad Standards Community Panel, which made the following finding:

"The Panel considered that the overtly sexual image was not appropriate for the relevant broad audience which would likely include children.

*The Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.*¹⁸

However, by the time this determination had been made, the campaign had ended and the advertisement in question was no longer displayed. Even though the advertisement was found to have breached the AANA Code of Ethics, Ad Standards is unable to impose any penalties or remove an advertisement and at best can only request that a retailer removes an advertisement themselves.

This situation is unacceptable and Western Australian children deserve better protection against hypersexualised advertising.

Conclusion

There is a considerable public interest in the well-established harmful impacts that hypersexualised advertising has on the health and wellbeing of children.

As such, we urge the Environment and Public Affairs Committee to:

1. inquire and satisfy itself of these harms associated with hypersexualised outdoor advertising;
2. consider whether children have the right to go outside without being exposed to harmful material which objectifies and sexualises women; and

¹⁵ Ibid 93.

¹⁶ Western Australian Government, Joint Standing Committee on the Commissioner for Children and Young People Report No 3 – Sexualisation of Children (Government Response, 14 October 2014) 4.

¹⁷ Melissa Iaria, 'Perth shopping mall under fire over 'exposed genitals' Honey Birdette ad' *The West Australian* (online, 6 July 2022) <<https://thewest.com.au/news/perth-shopping-mall-under-fire-over-exposed-genitals-honey-birdette-ad-c-7425906>>.

¹⁸ Ad Standards Community Panel, 'Honey Birdette' (Case Report 0136-22, 13 July 2022) 6 <<https://adstandards.com.au/sites/default/files/reports/0136-22.pdf>>.

3. do more than merely write to the Government for a response to this petition. Instead prior to doing so, it is recommended that the Committee invite the Commissioner for Children and Young People and a representative from Collective Shout to appear before the Committee in a public hearing to provide their expertise on how the Government might best respond to the concerns set out in this petition.

Noting that the Committee already has access to the aforementioned report from the CCYP, we enclose a two-page submission from Collective Shout for your consideration.

We thank you for the opportunity to lodge this submission and make ourselves available to appear before the Committee to elaborate on any particular aspects.

Yours sincerely,

Nicole Robins

Hon Nick Goiran MLC

Hon Peter Foster MLC
Chair, Standing Committee on Environmental and Public Affairs
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Dear Mr Foster,

PETITION NO. 071 – PROTECTING CHILDREN FROM HARMFUL HYPERSEXUALISED ADVERTISING

We submit the following evidence in relation to the above petition tabled on 15 November 2022. We urge the Parliament of Western Australia to act to protect children from sexualised advertising in public spaces and to put their welfare above the vested interests of companies and advertisers.

While we commend the WA State Government for passing uniform legislation in line with other state parliaments to de-register Wicked Camper vans when not in compliance with Ad Standards rulings against them, we would like to see the same approach taken to the proliferation of hypersexualised imagery in public spaces, including shopping centres, malls and billboards. We have worked toward this end, providing evidence to state and Federal inquiries for more than a decade.¹ However, the problem continued to intensify, and the advertising self-regulatory system has shown it is not fit for purpose as companies continue to violate the advertising Code of Ethics with impunity. There are no penalties for breaching the Code, and no powers of enforcement.

The Parliament has the opportunity to lead the way in safeguarding young people from the damaging impact of sexualised and objectifying marketing and advertising in public spaces. Children are at special risk of harm through exposure to sexualised imagery and messaging in advertising and media. Such exposure has been shown to contribute to body image issues, mental health issues including depression and anxiety, eating disorders and inappropriate sexual behaviours.²

The Australian Psychological Society told the Senate Committee Inquiry into the sexualisation of children in 2008 that “the values implicit in sexualised images are that physical attractiveness and beauty are intrinsic to self-esteem and social worth, and that sexual attractiveness is a part of childhood experience... Girls learn to see and think of their bodies as objects of others’ desire, to be looked at and evaluated for its appearance.”³

A 2015 meta-analysis found exposure to objectifying portrayals of women in media and advertising leads to a diminished view of women’s competence, morality and humanity.⁴ Viewers are more likely to hold attitudes of victim-blaming and be more tolerant of violence against women. As WA children grow up, their ideas about and attitudes toward women are at serious risk of maldevelopment, shaped by advertising which routinely reduces women to objects for men’s sexual use.

¹ All our submissions can be found here: <https://www.collectiveshout.org/submissions>

² Rush, E. et.al. (2006). Corporate Paedophilia. Sexualisation of Children in Australia. *The Australia Institute*.
https://www.tai.org.au/sites/default/files/DP90_8.pdf

³
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Completed_inquiries/2008-10/sexualisationofchildren/report/index

⁴ Ward, L.M. (2016). Media and Sexualization: State of Empirical Research, 1995-2015. *The Journal of Sex Research* 53(4-5):560-577.

<https://www.tandfonline.com/doi/abs/10.1080/00224499.2016.1142496?journalCode=hjsr20>

Playboy-owned sex store Honey Birdette is a perfect example of the failures of industry self-regulation.⁵ The store has been deemed in breach of the AANA Code of Ethics 64 times for its porn-themed advertising,⁶ and has recently topped the list of complaints to Ad Standards.⁷

We frequently hear from parents who share their despair over what their children are exposed to in the public domain - including in your state. Ad Standards recently upheld community complaints against Honey Birdette's advertising at Lakeside Joondalup shopping centre, which included floor-to-ceiling images of women in bondage-themed lingerie with exposed genitals, near to where the centre's children's holiday program was taking place.⁸ But Honey Birdette refused to remove or modify its ads.

Shopping centre landlords continue to facilitate pornified advertising in public even when in breach of advertising ethics. They are complicit in objectifying women, grooming children, sexually harassing members of the community (the Australian Human Rights Commission's definition of sexual harassment includes unwanted exposure to sexual imagery)⁹ and pornifying the public space. This is why State Parliaments need to take action.

In 2011, Ad Standards was put on notice in the Report of the House Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulation of Billboard and Outdoor Advertising. The Committee recommended that if the regulator continued to be found lacking, the Attorney-General's Department should impose a self-funded co-regulatory system with government input.¹⁰ However, more than a decade later, nothing has changed (see our recent submission on advertising and children,¹¹ and more evidence on the failure of advertising self-regulation¹²).

We urge the WA Parliament to implement laws which require companies advertising in public space to:

- Comply with Ad Standards rulings by implementing a system of fines and other penalties to bring recalcitrant/repeat offenders into line
- Provide powers of enforcement
- Implement a ban on repeat offenders from public advertising for six months
- Recommend a co-regulatory advertising regulation system with expertise from child welfare/development specialists and other relevant experts

We would be willing to provide further evidence at a hearing in-person or online if desired.

Melinda Tankard Reist

Movement Director, Collective Shout

December 15, 2022

⁵ https://www.collectiveshout.org/westfield_hears_us_hb

⁶ <https://adstandards.com.au/sites/default/files/reports/0136-22.pdf>

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<https://www.theaustralian.com.au/the-oz/news/honey-birdette-and-uber-eats-break-ad-standards/news-story/d003aa962053fca53114dc124fbc5077>

⁸ <https://www.news.com.au/finance/business/retail/perth-shopping-mall-under-fire-over-exposedgenitals-honey-birdette-ad/news-story/7104c7996c2763ad0b13f90c5899f7fe>

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https://d3n8a8pro7vhmx.cloudfront.net/collectiveshout/pages/3126/attachments/original/1558066560/submission_289_-_collective_shout.pdf?1558066560

¹⁰

https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=spla/outdoor%20advertising/report.htm

¹¹ https://www.collectiveshout.org/submission_aana_childrens_code

¹² https://www.collectiveshout.org/self_regulated_advertising_more_examples_of_failure