



Hon Sue Ellery MLC
Minister for Finance; Commerce; Women's Interests
Leader of the Legislative Council

Your Ref: A1012746 Petition No. 071
Our Ref: 61-44298

Hon Peter Foster MLC
Chair, Standing Committee on Environment and Public Affairs

Email: env@parliament.wa.gov.au

Dear Mr Foster

Thank you for your further correspondence dated 17 March 2023 regarding a request for further information in relation to Petition No. 071 – Protecting children from harmful hypersexualised advertising.

The Department of Mines, Industry Regulation and Safety – Consumer Protection Division (Consumer Protection) has advised me that the matters raised in your correspondence do not fall within the Commerce portfolio, however in order to assist the Committees deliberations I wish to provide the following broader comments on the points raised.

The advertising industry in Australia is primarily regulated under the Australian Consumer Law (Schedule 2, Competition and Consumer Act 2010 (Cth) (ACL). The Australian Association of National Advertisers (AANA) administers the self-regulation of advertising through its Ad Standards branch. Complaints about offensive advertising can be made to Ad Standards, which are assessed by the Ad Standards Community Panel against the Australian Association of National Advertisers Code of Ethics, otherwise known as the Advertising Code. You can find more detail on Ad Standards and how complaints are resolved on their website at www.adstandards.com.au.

The McGowan Government has recently passed the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022 to implement measures to protect against offensive advertising on vehicles in Western Australia. This legislation compliments the Ad Standards by allowing further action to be taken when an advertiser ignores a determination made by Ad Standards. As this legislation falls under the Transport portfolio, further information regarding this can be sought from the Hon Rita Saffioti MLA, Minister for Transport.

In relation to buses, bus shelters, rail lines and other public transport infrastructure operated under the Public Transport Authority (PTA), I am advised by the Minister for Transport that during the 2017 the McGowan Government made a commitment to ban alcohol advertising on public transport under its 'Plan for Health.' That election commitment was implemented from June 2018. There are currently no other restrictions from the State Government in place for PTA advertising, however they must remain compliant with National Advertising Standards.

In relation to sportsgrounds operated by the State Government, VenuesWest has advised that, while there is no specific rules around advertising at those locations, they must also remain compliant with the National Advertising Standards. It is also worth noting that VenuesWest does have a clear approach to the naming and signage of state assets it manages with an internal Naming and Signage Assets Policy in place. While this policy is an internal document and not published publicly, it can be made available on request to VenuesWest.

Restrictions around advertising for privately owned shopping malls and taxis would generally fall under the purview of Ad Standards.

The McGowan Government is not considering further legislative changes to advertising rules in any of the areas raised by the Committee at this time.

Yours sincerely



SUE ELLERY MLC
MINISTER FOR FINANCE; COMMERCE; WOMEN'S INTERESTS

02 MAY 2023