

DRAFT SECOND READING SPEECH

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Vehicle and Traffic Amendment (Offensive Advertising) Bill 2017

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Madam Speaker,

I move that the Bill be read a second time.

The Tasmanian Government, like many members of the community, is concerned that some hire and drive business operators choose to promote their business by placing slogans and pictures on their vehicles which many regard as offensive.

These hire and drive operators use their vehicles to achieve as much publicity as possible because they are on the roads and cannot be avoided.

Some of the slogans and images used denigrate members of our community and in particular women.

This Government has taken a strong stance against domestic violence and this advertising encourages disrespectful attitudes towards women in particular.

With these legislative amendments, we are standing up, speaking out and acting to remove these hire and drive vehicles from the road.

Madam Speaker, I would like to explain that for the purpose of the amendments before the House, a hire and drive vehicle is a vehicle used to operate a hire and drive passenger service within the meaning of the *Passenger Transport Services Act 2011*. This is limited to motor vehicles that are used to provide passenger services. This does not include trailers, caravans and vehicles used for the carriage of goods or some other purpose.

Madam Speaker, last November I announced the Government would be seeking to introduce legislation to deregister vehicles whose advertising did not comply with the Australian Advertising Standards.

Queensland has just recently passed legislation to enable any vehicle to be de-registered where the advertising does not comply with the Australian Advertising Standards and I am pleased to announce Tasmania is taking a consistent approach.

However, the legislation we're introducing will be specific to vehicles operated as hire and drive vehicles. This decision is based on current evidence that a particular hire and drive operator is presently promoting their business with the use of offensive slogans and pictures. I have also asked my Department to review the effectiveness of this legislation in 12 months. This review will provide an opportunity to determine if there is any evidence to broaden the legislation to cover all commercially operated vehicles.

The Registrar of Motor Vehicles has a responsibility to register vehicles and manage their use on public streets.

These legislative amendments will allow the cancellation of a hire and drive vehicle's registration where a complaint has been made to the Advertising Standards Bureau and it has been upheld and where the hire and drive operator has made no attempt to rectify the offensive material.

It will not be for the Registrar to decide if the vehicle has an offensive slogan but he will be guided by the decision of the Advertising Standards Bureau.

Advertisers have formed their own self-regulating body called the Australian Association of National Advertisers and have developed a 'Code of Ethics'.

The Advertising Standards Bureau is guided by this Code of Ethics when a complaint is made about an offensive advertisement and refers complaints to the Advertising Standards Board.

The Board then investigates the complaint.

Madam Speaker, this Board comprises twenty members from the advertising industry and the general community across Australia.

The Government is satisfied the Board is an appropriate body to act as a representative for the community at large, to determine if an advertisement is offensive.

Madam Speaker, I would now like to explain the process for how the Registrar of Motor Vehicles will cancel the registration of hire and drive vehicles.

Any person can write to the Advertising Standards Bureau about an advertisement and this will initiate an investigation. The Bureau refers the matter to its Board.

The advertiser is contacted and provided with the opportunity to respond to the complaint. If a response has not been received, the advertiser is contacted again seeking a response.

This information is provided to the Board and the Board makes a majority decision.

The advertiser and the complainant are then notified of the decision and either party can seek an independent review of the decision.

If an independent review is sought, a recommendation will be made to the Board and the Board has the final decision.

If a complaint has been upheld, the advertiser can modify or withdraw the advertisement or ignore the decision.

At present the advertiser can choose to ignore the decision as there is currently no power to enforce a determination of the Board.

However, this Government will not ignore the determination of the Board and will create a mechanism for removing offensive slogans of hire and drive vehicles from our roads when the Board has found it to be out-of-step with community expectations.

Madam Speaker, I will now inform the House how the Registrar of Motor Vehicles will cancel the registration of these vehicles to remove them from the road.

Under these amendments, if the Bureau has issued a notice to the registered operator of a hire and drive vehicle that the Code of Ethics has been breached and the operator has failed to take action in response to the notice, the Bureau will notify the Registrar of Motor Vehicles.

The notice to the Registrar will advise of the Board's determination that the hire and drive registered operator breached the Code and the decision was not actioned.

The Registrar will then serve a notice on the registered operator of the vehicle.

The registration for that vehicle will be cancelled after 14 days unless the Bureau withdraws its advertising code breach notice.

The code breach notice will only be withdrawn if the hire and drive registered operator has removed or amended the offensive advertising.

Where registration has been cancelled, the Registrar will only re-register the vehicle if the registered operator has complied with the advertising code breach notice.

The decision of the Registrar to cancel the registration will not be reviewable, as the registered operator will have had the opportunity to respond to the advertising code breach and seek an independent review, ensuring the principles of natural justice are upheld.

The Registrar does not have the authority to cancel a vehicle not registered in Tasmania. Therefore, a vehicle registered interstate will not be covered by these provisions; however discussions with other jurisdictions will likely lead to mutual arrangements between States. This will deal with operators seeking to move vehicle registration between States to avoid deregistration.

Madam Speaker, the estimated length of time from when a complaint is made through to cancellation of the registration of the vehicle may be two to three months.

While these hire and drive vehicles may be on the road for this time, it is important there be a fair and proper process for assessing and actioning complaints.

But hire and drive operators will now know for certain this Government will not accept offensive signage on hire and drive vehicles, and they will be taken off the road if they are found to be out of step with community expectations and the cause is not rectified.

Madam Speaker, this Bill also reassures the Tasmanian community that we will not tolerate such offensive and abusive advertising on our roads.

I commend the Bill to the House.