

FACT SHEET

Vehicle and Traffic Amendment (Offensive Advertising) Bill 2017

This legislation provides for the removal of vehicles providing a hire and drive passenger service which display offensive advertising by cancelling the registration of the vehicle. This type of advertising has been the subject of complaints to the Tasmanian Government and the Advertising Standards Bureau. Some of the advertising would be considered emotional domestic violence against women.

To establish if the advertising is offensive, a complaint must be made to the Advertising Standards Bureau (Bureau) and its Advertising Standards Board (Board) investigates the complaint. The Board comprises of twenty members from the advertising and general community across Australia.

The advertiser (who will be the registered operator of the vehicle) is offered an opportunity to respond and can do so if they wish. If a response has not been received, the advertiser is contacted again seeking a response. This information is provided to the Board.

The Board makes a decision by a majority vote in light of the Australian Association of National Advertisers voluntary 'Code of Ethics', and information provided by the parties.

The advertiser and the complainant are then notified of the decision and either party can seek an independent review of the decision. This independent review will make a recommendation to the Board and the Board has the final decision.

The advertiser can choose to ignore the decision as there is no power to enforce the determination of the Board.

Once the Board completes their process and the advertiser has failed to address the advertising code breach notice, the Bureau notifies the Registrar of Motor Vehicles.

The notice to the Registrar is to advise of the Board's determination the advertiser breached the Code and the notice has not been withdrawn.

The Registrar then serves an offensive advertising notice on the hire and drive registered operator that the registration is cancelled in fourteen days unless the Bureau withdraws its advertising code breach notice.

The advertising code breach notice will only be withdrawn if the hire and drive registered operator has removed or amended the offensive advertising.

The decision of the Registrar to cancel the registration will not be a reviewable decision as the hire and drive registered operator will have had the opportunity to respond to the advertising code breach and seek an independent review. The Registrar will only be taking action after the Bureau and Board natural justice processes, including any review, have been finalised.

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.

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.

This legislation will be restricted to vehicles operated as hire and drive vehicles. Current evidence indicates a particular hire and drive operator is presently promoting their business with offensive slogans and pictures. This legislation will be reviewed in 12 months' time. This provides an opportunity to determine if there is any additional evidence to broaden the legislation to cover all commercially operated vehicles.