



REPORT

The Portrayal of Women in Outdoor Advertising

FEBRUARY 2002

**The Hon M Delahunty MP
Minister for Women's Affairs**

Dear Minister Delahunty

The following report is submitted to you from the Portrayal of Women Advisory Committee.

The Portrayal of Women Advisory Committee has been surprised at the interest that this project has attracted, and it has been made aware that many people, both men and women, have significant concerns about the way women are portrayed in advertising, especially on billboards.

The Outdoor Advertising Association of Australia (OAAA) itself has already acknowledged its concern by altering its contracts with clients whereby the outdoor contractor of a billboard has the right to remove any advertising that is deemed inappropriate by the Advertising Standards Board.

The Committee has been unanimous in its views and this report includes a number of recommendations for you to consider.

During our public hearing and consultation phase it was difficult to restrain the views to outdoor advertising only, and as a result we have included some broader recommendations on which the community held strong views.

The Committee was most impressed at the quality of submissions, and appreciates the advice and evidence that was included in them.

As Chair of the Committee I would like to thank not only the Committee members but also all the people who made submissions and the people who attended the Committee hearings. The input of these people has been invaluable, and has enabled us to prepare a report that is strongly based on community views.

We look forward to the implementation of the recommendations contained in the report.



Judy Maddigan
**Chair
Portrayal of Women Advisory Committee**

Table of Contents

RECOMMENDATIONS	1
PART ONE: INTRODUCTION	2
COMMITTEE MEMBERS.....	2
<i>Valuing Victoria's Women: Forward Plan 2000-2003</i>	2
<i>Centenary of Federation - Women Shaping the Nation - Women's Petition 2001</i>	2
<i>United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</i>	2
<i>United Nations Beijing + 5 Platform for Action</i>	3
METHODOLOGY	3
RECENT INITIATIVES IN RELATION TO THE PORTRAYAL OF WOMEN IN OUTDOOR ADVERTISING	3
<i>Outdoor Advertising – Joint Advisory Paper and Checklist</i>	3
<i>OAAA Contractual Amendments</i>	4
<i>AFA Leadership Program</i>	4
PART TWO: KEY ISSUES	5
CHOICE TO VIEW	5
ADVERSE ADVERTISING IMAGES.....	5
IMPACTS ON COMMUNITY PERCEPTIONS OF WOMEN.....	6
IMPACTS ON WOMEN AND GIRLS.....	7
WHAT THE COMMUNITY WANTS TO SEE.....	7
PART THREE: STRATEGIES	9
GUIDELINES / STANDARDS	9
GOVERNMENT ROLE	11
RESEARCH AND EDUCATION	11
AWARDS SYSTEM	13
MODIFY CURRENT SYSTEM OF SELF REGULATION	13
REGULATION.....	14
PART FOUR: CONTEXTUAL INFORMATION	16
AUSTRALIAN ADVERTISING REGULATORY STRUCTURES	16
<i>Advertising Standards Board</i>	16
<i>Advertising Federation of Australia</i>	17
<i>Australian Association of National Advertisers</i>	17
<i>Outdoor Advertising Association of Australia (OAAA)</i>	17
INTERNATIONAL ADVERTISING REGULATORY STRUCTURES	18
<i>Advertising in the United Kingdom</i>	18
<i>Advertising in Canada</i>	18
<i>Advertising in the United States</i>	19
OUTDOOR ADVERTISING IN VICTORIA.....	19
<i>Billboards</i>	19
<i>Trains and Trams</i>	20
<i>Buses</i>	20
<i>Taxis</i>	21
<i>Mobile Advertising</i>	21
<i>VicRoads</i>	21
<i>Transurban City Link</i>	21
<i>Other Regulatory Structures in Victoria</i>	22
REFERENCES	23
GLOSSARY	23
APPENDIX A: LIST OF SUBMISSIONS	25
APPENDIX B: LIST OF CONSULTATIONS	28
APPENDIX C: LIST OF FORUM ATTENDEES	29

Recommendations

The following recommendations are derived from the findings of this report. A number of recommendations relate directly to the Committee's terms of reference. Those recommendations marked by an asterisk (*) are related to broader issues regarding the portrayal of women, and are therefore technically outside the Committee's terms of reference.

Recommendation 1:

That Gender Portrayal Advertising Guidelines be developed by Government with a view to their implementation by all Government departments, statutory authorities, and agencies.

Recommendation 2:*

That the Government explore the practicalities of developing gender vilification / gender tolerance legislation, or amendments to the *Equal Opportunity Act 1995* in order to broaden the scope of discrimination in advertising on the basis of sex.

Recommendation 3:

That the Minister for Women's Affairs consider acknowledging agencies and advertisers that develop positive portrayals of women in advertising campaigns, on International Women's Day.

Recommendation 4:

That the Gender Portrayal Guidelines be promoted to the broader advertising industry via their representative bodies, along with a regular system of awareness raising within the industry in relation to the portrayal of women. It is suggested that advertising bodies (eg, agencies, advertisers, and outdoor contractors) be invited, through adoption of the Guidelines, to sign a charter committing their organisation to the positive portrayal of women. In addition, it is recommended that outdoor contractors ensure each poster submitted for display is viewed and considered by the contractor prior to its display.

Recommendation 5:

That advertising industry bodies, including but not restricted to, the Advertising Federation of Australia (AFA), the Australian Association of National Advertisers (AANA) and the Outdoor Advertising Association of Australia (OAAA), consider the possibility of establishing a joint industry referral service. The referral service would be a voluntary scheme for agencies, clients, and outdoor contractors to receive advice on advertisements that may be considered inappropriate or negative, prior to their display.

Recommendation 6:

That issues concerning the portrayal of women be incorporated into educational curricula, including primary and secondary school, as well as tertiary education.

Recommendation 7:

That relevant industry bodies be approached to consider ways of incorporating these issues into relevant industry curricula (such as the AFA's 'Ad School').

Recommendation 8:

That a Government-sponsored advertising awards system be established, which includes but is not restricted to, an award for the positive portrayal of women. An awards system may also include a 'community / good citizen' award for outdoor contractors who provide free advertising space for such advertisements.

Recommendation 9: *

That a constructive dialogue with the Advertising Standards Board (ASB) be established to discuss issues in relation to the Board's processes for dealing with consumer complaints about advertising in general, and in particular the portrayal of women, as well as ways to raise awareness in the community of the existence of a complaints-handling system for advertising.

Recommendation 10: *

That further work be undertaken in relation to the portrayal of women in the media and advertising industries in a collaborative way at a national level.

Part One: Introduction

On International Women's Day (8 March) 2001, the previous Minister for Women's Affairs, the Hon Sherryl Garbutt MP, established the Portrayal of Women Advisory Committee. Examples of negative portrayals of women in outdoor advertising (particularly billboards) in 2000 highlighted the need for an initial focus on outdoor advertising. Upon establishing the Committee, the Minister stated that the work of the Committee represented the first part of a broader examination of the portrayal of women in the media and advertising industries more generally.

The Committee was asked to provide recommendations to the Minister for Women's Affairs on:

1. the impact of outdoor advertising on community perceptions of women; and
2. strategies to achieve improved representation of women in outdoor advertising.

Committee Members

The Portrayal of Women Advisory Committee members are:

- Judy Maddigan MP, Deputy Speaker, Parliament of Victoria (Chair)
- Jo Pearson, Media Consultant
- Tonya Roberts, Broadcaster, ABC Radio
- Phil Treyvaud, Managing Director, Rofa International
- Christine Barnes, former Managing Director, Whybin TBWA
- Brandon Mack, Manager, Administration, Department of Infrastructure
- Lauren Reader, Office of Women's Policy, Executive Officer to Committee.

The work of the Portrayal of Women Advisory has connections with other Australian and international initiatives, including the following.

Valuing Victoria's Women: Forward Plan 2000-2003

In July 2000, the Victorian Government launched *Valuing Victoria's Women: Forward Plan 2000-2003*, which outlines the initiatives to be undertaken across Government to fulfil the Government's policy commitments in relation to women. The plan, according to the themes of representation and equity; education, work and economic independence; health, wellbeing and community strengthening; and justice and safety, includes an initiative to be undertaken by the Office of Women's Policy (OWP) in relation to the portrayal of women in the media and advertising industries.

Centenary of Federation - Women Shaping the Nation - *Women's Petition 2001*

One of the initiatives of the Victorian Government's Centenary of Federation Women Shaping the Nation process was the Women's Petition 2001. The Petition replicated the 1891 Great Petition calling for women's suffrage in Victoria. Extensive consultation via local government sought the views of women on the issues that are of most concern to Victorian women today. The issues identified included: women's health, safety, education, the environment, equal representation in decision making, economic independence, genuine equal pay for equal work, fair and family friendly working conditions and access to quality child care, and the valuing of caring and unpaid work.

The Petition also identified: "presentations in the media and advertising that are positive and non-exploitative" and on Thursday 31 May 2001, the Petition was formally tabled in the Victorian Parliament with 41,487 signatures.

United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Australia entered into the United Nations (UN) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in August 1993. According to the United Nations Division for the Advancement of Women, CEDAW "is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination."¹ The responsibility for

¹ United Nations *Division for the Advancement of Women*. <http://www.un.org/womenwatch/daw/cedaw/index.html>

overseeing Australia's implementation of CEDAW as well as the various international bodies and treaties that affect women, lies with the Commonwealth Office of the Status of Women (OSW).

United Nations Beijing + 5 Platform for Action

At the UN Fourth World Conference for Women held in Beijing in 1995, a Platform for Action was developed with the aim of “removing all the obstacles to women’s active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.”² One of the priority actions identified in the 1995 Platform for Action concerns women and the media. The actions are outlined as follows:

Women and the Media Diagnosis:

Strategic Objective J.1

Increase the participation and access of women and expression and decision-making in and through the media and new technologies of communication.

Strategic Objective J.2

*Promote a balanced and non-stereotyped portrayal of women in the media.*³

Methodology

The Committee undertook a range of activities to meet its terms of reference. These activities included a number of industry and stakeholder consultations, the release of a discussion paper for public comment, a consultative forum with members of the advertising industry, as well as market research. Appendix A is a list of individuals and organisations that made a submission in response to the Committee’s discussion paper. Appendix B is a list of those individuals with whom the Committee consulted. Appendix C is a list of participants who took part in the advertising industry forum. Market research on views and perceptions in relation to the portrayal of women in outdoor advertising was undertaken for the Committee by NFO CM Research.

As a result of the broad range of activities undertaken, the Committee was presented with a wide variety of information, advice, and suggestions by members of the community, industry, and interested parties, to improve the portrayal of women in outdoor advertising. The Committee sought to make recommendations that it considers achievable, effective, and complementary.

Recent Initiatives in Relation to the Portrayal of Women in Outdoor Advertising

The Committee’s deliberations on the portrayal of women were informed by recent initiatives in this area, obtained via a consultative process. The Committee wishes to acknowledge the specific work undertaken by organisations in developing these initiatives, and considers them significant in improving the portrayal of women in advertising.

Outdoor Advertising – Joint Advisory Paper and Checklist

In response to a call from their members for guidance in relation to outdoor advertising procedures, the Australian Association of National Advertisers (AANA), Advertising Federation of Australia (AFA), and the Outdoor Advertising Association of Australia (OAAA) undertook a review in May 2001. The result of the review was the development of an Advisory Paper and Checklist for members of each of the associations. The paper urges members “to give earnest consideration to the contents of this Paper, and to communicate it as appropriate, within their own organisations.”⁴

The paper provides *Guideline Reference Points* for all media, as well as *Prudential Guidelines* in relation to outdoor advertising. The *Prudential Guidelines* suggest there is a risk to industry self regulation if the industry is perceived as failing to address concerns regarding advertising standards, and suggests to members that, “whether employed alone or as part of a multi-media campaign, outdoor advertising is in all instances open to general exhibition. Therefore careful consideration

² United Nations *Fourth World Conference on Women Platform for Action* <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#statement>

³ United Nations *Fourth World Conference on Women Platform for Action - Women and the Media* <http://www.un.org/womenwatch/daw/beijing/platform/media.htm>

⁴ AANA / AFA / OAAA *Outdoor Advertising Advisory Paper and Checklist* May 2001. p.2

should be given to the choice of content.”⁵ In addition, a checklist for AANA and AFA members provides guidance in relation to considering: the provisions of *The AANA Advertiser Code of Ethics*; previous decisions of the Advertising Standards Board; other relevant codes (eg alcohol beverages, therapeutic goods, weight management); the sensitivities of content in the context of the intended outdoor location; the AANA’s *Guidelines for Advertising to Children* in relation to locations that are likely to attract the attention of children; and checking with the relevant supplier for any other requirements.

OAAA Contractual Amendments

The Outdoor Advertising Association of Australia (OAAA) noted in its submission to the Committee that in addition to undertaking to circulate the industry Advisory Paper (see above) to both members and non-members, the OAAA would be prepared to recommend that all members contractually bind themselves and their advertisers to the removal of all advertisements that are upheld by the Advertising Standards Board as contravening the advertising code of ethics. The Association noted in its submission, “by adopting this approach, it overcomes the dilemma exposed in the Windsor Smith case where the advertiser in question refused to abide by the ASB ruling to remove the offending material. Under this system, the subjective deliberation on the part of the outdoor company is removed when the ASB makes its determination.”

AFA Leadership Program

The Advertising Federation of Australia also advised the Committee of its leadership-coaching program that aims to develop young women for management positions within the advertising industry. In its submission to the Committee, the Federation wrote, “we believe this is encouraging a more balanced and enlightened management style within agencies which among other benefits, strongly influences attitudes to important social issues and agency ethics.”

⁵ Ibid. p.3

Part Two: Key Issues

This section of the report examines the key findings identified through the various information-gathering activities undertaken by the Committee.⁶

Choice to View

The major concern regarding outdoor advertising is the lack of choice to view. More than one third of the submissions to the Committee's discussion paper commented on the unavoidable nature of outdoor advertising. Unlike television or magazines, outdoor is seen as a medium that can't be 'turned off', and cannot be missed whilst travelling.

"There is...a problem with outdoor advertising, particularly billboards because they are large and static and the viewer does not get the context for outdoor advertisement that you could get from a television or radio advertisement."

YWCA Victoria

The view that outdoor advertising is different to other forms of advertising in relation to the choice to view was supported by the market research, with 67% of female respondents and 56% of male respondents agreeing that outdoor advertising is more intrusive because it can't be turned off.

It was consistently acknowledged that outdoor advertising is in the public domain. While the portrayal of women is similar across all advertising media, there are characteristics of outdoor advertising that make the medium particularly problematic. Outdoor advertising is a public broadcast medium with the result that it will be scrutinised more because it is static, there is no filtering of those who see the advertising, and no opportunity for members of the community to exercise choice in not seeing it. This means that children are also exposed to the material. As a form of mass media it was acknowledged that there must be controls in place.

Adverse Advertising Images

Issues identified in relation to the portrayal of women in advertising in general included: a lack of images featuring a diverse range of women (not only in appearance, but in experience); the use of women's bodies and body parts in certain ways; and the particular association of women with sex, as sexual objects and/or as sexually available. Several submissions made the comment that advertising generally fails to depict the reality of women's experience. Comments emphasised that the failure to reflect women's diversity was not only related to body size and shape, but was also true for issues of race, sexuality, disability and religion.

"Women are consistently represented by a stereotype which ignores the fact that we are not all white, able-bodied, heterosexual, thin, affluent and under thirty-five."

S. Rogers

The perception that advertising lacks diversity was supported by findings within the market research; only 17% of male and 17% of female respondents agreed that outdoor advertisements represent people from ethnic minority groups, and only 17% of females and 35% of males agreed that enough examples of women of different shapes and sizes are used in outdoor advertising.

Another significant issue was the use of women's bodies, or parts of them, in order to sell products. Some identified the problem as the irrelevance of women's bodies to the products being advertised. Of particular concern were images in which only parts of women's bodies, sometimes dismembered bodies, were used in advertising. Other concerns included the projection of thin 'super-model' type women as normal and/or healthy, and the depiction of women as objects for consumption, as playthings, or inanimate.

⁶ Quotations appearing in bold text throughout this report are taken from written responses to the Committee's discussion paper, *The Portrayal of Women in Outdoor Advertising – June 2001*.

“I believe that it is a very common perception, especially among younger women and girls, but also within older circles that the ‘super model’ image is the only acceptable look. If you are not slim, beautiful, sexy and wearing tight-fitting clothes, you are not conforming to the image of the ‘perfect’ woman and therefore are no good. This appears to be a very narrow minded attitude towards a woman’s image.”

P McGlade

But by far the images identified as the most problematic were images that are sexual and portray women as sexual objects. It was suggested by some that these types of images were bordering on the pornographic. There was a clear indication that these types of images caused the most concern in the community for a variety of reasons.

“A dominant theme in outdoor advertising seems to be the portrayal of women as submissive, sexual objects or consumer good and/or the eroticisation of sexual violence.”

WIRE – Women’s Information and Referral Exchange

“We believe advertisements which are of a sexual, submissive or threatening nature are extremely problematic. They lower the status of women and encourage the thinking of some people to believe that (a) women are sexual objects, (b) women do not have equal status, and (c) women do not have to give consent prior to sexual conduct.”

Women’s Action Alliance

Female market research respondents were more likely to object to outdoor advertisements of women in sexually provocative poses (62%) than male respondents (44%). In addition, more female respondents (61%) agreed that they would like to see less outdoor advertisements with women who are not fully dressed, than male respondents (27%).

Other problematic advertising images identified were: those in which women are pitched in competition against other women; the types of stereotypical gender roles strongly reinforced by advertising; those that depict women in violent or vulnerable situations; and differences between the portrayal of women and men.

Impacts on Community Perceptions of Women

It was strongly suggested to the Committee that advertising perpetuates and reinforces stereotypes, encourages negative views of women’s status in society, and fosters attitudes about women and sex that are less than positive.

“While the issues of occupational segregation are complex, the role of outdoor advertising is one important contributor to the problem. Women are rarely portrayed in roles or images other than those that are traditionally ‘feminine’ such as mother, nurse, teacher, etc or as an explicitly sexual being.”

P Kikos, Access Training and Employment Centre Inc.

It was also argued that advertising continues to promote images of women that promise sex to the viewer, and suggest that women are sexually available and are objects for sexual pleasure. There was a strong feeling that these images encourage perceptions that women are not only sexually available to men, but that they *want* to be sexually desirable to men.

The majority of female (72%) and male (64%) market research respondents agreed that the volume and type of imagery of women used in outdoor advertisements can impact on the way men view women. In addition, female (58%) and male (46%) respondents agreed that outdoor advertisements do not reflect the contribution women make to the community.

“Women’s interaction with men is also influenced by what young men have learnt about women through the media and advertising. A man who swallows the advertising industry’s line that women are mere sexual objects is unlikely to form respectful, equal relationships with women, or treat women with whom he comes into contact as equal human beings.”

S McBratney, National Union of Students’ Women’s Department

Impacts on Women and Girls

The impacts on women and girls as a result of certain portrayals of women in advertising identified most were negative self-esteem and body image. Over one third of the responses to the Committee's discussion paper suggested that women are pressured to try and achieve unrealistic goals in relation to their appearance, particularly their weight. Feelings of inadequacy, anxiety and poor self-esteem in women being reinforced by certain advertising images were also identified, and it was suggested that eating disorders, particularly in young women and girls, were related to the prevalence of unrealistic images of women in advertising.

The majority of female (69%) and male (57%) respondents to the market research agreed that the volume and type of imagery of women used in outdoor advertising has, over time, impacted on the way women see themselves. Around half of female respondents (51%), and over a third of male respondents (39%) were concerned about the impact of outdoor advertising on young women.

“I think it puts unnecessary pressure on women and young girls to fit into a particular body image that advertises and portrays as the most successful image. Young women in particular start to put too much importance on attempting to achieve a “perfect” body and physical image rather than their studies and achieving financial independence.”

K Hughes, N Riemer, and A Spann

It was also asserted that women's safety can be compromised by images that are either violent and/or sexually explicit. Domestic and family violence as well as public violence are behaviours that were suggested as being caused in part by attitudes going unchallenged by, or being reinforced by, images of women in advertising.

“Sexualization of women can lead to a high level of fear of assault or rape which may curtail women's freedom of movement.”

M Burke, Valerie House Women's Refuge

Other impacts identified included: health impacts, such as mental health issues (including depression); a failure to recognise women's contributions and a restriction of women and girls' life choices; the encouragement of sexual behaviours in young women; and a general reinforcement of gender-role stereotypes.

“Many of us have felt the frustration of being treated like a “dumb blonde” or any number of other stereotypes that set women up as being intellectually disabled. As lawyers, we are acutely aware of the impact of these stereotypes on women's career prospects and advancement.”

S Fitzgerald, Feminist Lawyers

What the Community Wants to See

There was a consistent call for a greater variety of women to be featured in advertising. Images that reflect differences in age, shape, weight, ethnicity, colour, sexual orientation and physical ability were suggested, along with calls for more Aboriginal people, women in non-traditional roles and occupations, and more realistic images rather than artificial, stereotypical images.

“Not all advertising which uses sex to sell products is bad. But all advertising is potentially dangerous, particularly when it excludes the majority in the quest to construct an ‘ideal’ type. Women (and I believe men) respond positively to the celebration of the diversity and difference of women as people and in their life experiences.”

K Crinall, Monash University Churchill

Other images called for included: women in leadership roles and in positions of authority, sportswomen, and images positively expressing women's contributions to family and society.

“I would love to see more images of women in positions of leadership. Images that portray strong independent women, and ones that are not simply a ‘token’ effort by advertisers.”

L Schaper

The call for a change in the way women are portrayed in outdoor advertising was supported by responses to the market research, with female (71%) and male (52%) respondents agreeing that outdoor advertisements would be better if they were more realistic, and a similar proportion of female (73%) and male (53%) respondents agreeing that they would like to see an equal balance of advertising images featuring men and women.

“It would be great to see ‘real’ women, professional women of various ages, women as they are i.e.; people with multiple roles and relationships that doesn’t mean they are sexless – just normal and representative of the women who purchase products.”

R Squirchuk, Council for Equal Opportunity in Employment Ltd.

Part Three: Strategies

The following strategies to improve the portrayal of women in outdoor advertising were suggested to the Committee through its various consultative mechanisms, many of which form the basis of the Committee's recommendations.

Guidelines / Standards

The development of guidelines and/or standards was a popular strategy identified, and suggestions included:

- Developing guidelines for advertisers in consultation with the community that consider the issues such as the portrayal of women and the possible harmful effects of advertising images on the community, especially children;
- Creating guidelines that comply with decency, honesty, integrity and reality;
- Developing guidelines for advertising materials in any public spaces;
- Ensuring that all outdoor advertising is suitable for general exhibition;
- The development of a detailed Code of Ethics, such as those of Advertising Standards Canada, with detailed guidelines on the portrayal of [women] with relation to unnecessary sexualization, gender role stereotypes, objectification, diversity of race, diversity of sexuality, and violence. The adoption of this Code by any regulatory body, whether industry or Government administered;
- Establishing a Code of Practice for advertising generally, and in this case particularly for outdoor advertising, that will establish guidelines for the portrayal of women;
- A process to ensure an advertiser is publicly accountable for following the code [of ethics];
- The adoption of protocols/procedures to enforce the Advertiser Code of Ethics; and
- A forum for media owners and advertisers, the AANA, AFA, and consumer groups to discuss and develop agreed guidelines.

“The results of complaints from women need to be audited and publicly available, and consultation within the community about what constitutes acceptable standards, images and messages needs to be undertaken by the industry, in partnership with Government and the community.”

Women's Electoral Lobby of Victoria (WELVIC)

“Issues of taste and decency can be highly subjective. The approach adopted by the ASB [Advertising Standards Board] to both the Windsor Smith and Chivas Regal campaigns demonstrated this very fact.”

Outdoor Advertising Association of Australia (OAAA)

The widespread support for advertising guidelines to deal with the issue of problematic advertising imagery in relation to gender was noted by the Committee, and it was agreed that the development of principles that would be likely to increase the positive portrayal of women should be undertaken. The Committee formed the view that the Government should play a leading role in the implementation of such guidelines, and was guided by work already undertaken by Canada in this area, which has had Gender Portrayal Guidelines for 20 years. As such, the Committee makes the following recommendation, and provides a suggested set of Gender Portrayal Guidelines for implementation by Government.

Recommendation 1:

That Gender Portrayal Advertising Guidelines be developed by Government with a view to their implementation by all Government departments, statutory authorities, and agencies.

The following draft guidelines cover the areas of: outdoor advertising in general, sexual imagery, sex-role stereotyping, diversity, violence, and language, and are suggested by the Committee as an appropriate framework for the Guidelines:

Victorian Government Gender Portrayal Guidelines for Outdoor Advertising

Overview

The following Guidelines⁷ have been developed to assist the advertising industry develop positive portrayals of women and men in advertising. In doing so, the Guidelines are not designed to restrict or censor creativity. Outdoor advertising is a unique form of communication. It is acknowledged that observing images presented via the medium of outdoor is unavoidable, and that these advertisements do not provide an explanatory context. The Guidelines therefore provide a useful mechanism for developing portrayals of women and men that are positive, and are suitable for general viewing. The Guidelines acknowledge that both women and men are at risk of being portrayed in an inappropriate or potentially harmful way. However, whilst the Guidelines are applicable to the portrayal of both women and men, some issues are particularly relevant to the portrayal of women.

1. Outdoor advertising is a public medium, and as such, advertisers should be sensitive to the contexts in which outdoor advertising is displayed and viewed.

Comment: It is important to consider the particular physical location, geographical area and demographic features of an area in which an outdoor advertisement may be displayed. For example, it may be inappropriate to display particular images in and around public transport shelters, within the residential area of particular cultural communities, and in close proximity to schoolyards and religious institutions.

2. Advertising should avoid using negative sexual imagery of both women and men.

Comment: Sexual images that: are exploitative, have little or no relevance to the product being sold, suggest that people are defined primarily by their sexuality, imply that sexually harassing behaviour is 'normal', or objectify women's and men's bodies by portraying them as items for consumption, are inappropriate. Advertising featuring sexual imagery should avoid the gratuitous or tasteless use of nudity; the use of girls / young women and boys / young men in sexual poses; and impressions of voyeurism.

3. Advertising should portray women and men as equally competent in a wide range of activities both inside and outside the home, including the workplace.

Comment: Advertising should avoid a narrow or unrepresentative view of women's roles, occupations, professional status, power in the community or level of intelligence. The predominance of men portrayed in authoritative roles and the absence of women from similarly credible or powerful roles undermines equal opportunity values. The depiction of women in competent, leadership roles is therefore encouraged.

4. Advertising should portray both women and men in the full spectrum of diversity, including age, appearance, and background.

Comment: Women and men in Victoria are diverse in many ways, including age, ethnicity, religion, culture, and sexuality. Advertisers are encouraged to reflect this diversity by seeking to increase, where appropriate, the number of images of women and men who are from culturally and linguistically diverse backgrounds, indigenous Australians, older women and men, and women and men who are lesbian and gay.

5. Violent images should always be avoided in advertising. No person should be portrayed as being the recipient of, or being responsible for, implicit or actual violent behaviour.

Comment: In particular, women must not be portrayed in ways that may compromise their public and private safety. For example, images depicting women's bodies in a dismembered way, as physically restrained, or as the likely recipient of violent behaviour, should be avoided. Advertisers must not portray men in ways that imply or advocate violent behaviour toward women.

6. Advertising should seek to use language that is inclusive of both women and men and does not discriminate against either sex. Language that is likely to be offensive to a general audience, including children, should be avoided.

Comment: Language, as well as imagery, is a powerful form of communication. When depicting words and speech within an advertisement, advertisers are encouraged to use gender-neutral language to demonstrate and promote the equality of women and men. Language that is likely to insult or offend should also be avoided.

⁷ The Guidelines are adapted from the Gender Portrayal Guidelines administered by Advertising Standards Canada since 1981. www.canad.com

Government Role

Suggested action by Government to help improve the portrayal of women in outdoor advertising included:

- granting the relevant (local) council the power to withdraw a planning permit for a billboard displaying a sign that breaches the Advertiser Code of Ethics;
- undertaking work with other Australian governments and the advertising industry to promote the greatest care in the use of outdoor advertising;
- encouraging political commitment to tackling this issue irrespective of political affiliation;
- developing pro-active measures to work with industry bodies to encourage the adoption of positive images of women;
- implementing specific projects as a counteractive measure to minimise gender segregation;
- developing standards for advertising agencies who supply services to Government; and
- expanding the grounds for vilification in Victorian legislation, or expanding the grounds for discrimination in the Victorian Equal Opportunity Act in accordance with the spirit of the Act.

“Our Network believes that this is an area of media where government intervention through the imposition of clearly defined guidelines is essential. Further, we consider it only the first step in a broadly-based strategy to address and monitor all forms of advertising and the representation of women generally.”

C Ford, Southern Women’s Action Network

The Government was also seen to have a role in supporting the industry to strengthen standards and to educate the advertising industry and the public about those standards. It was also seen to promote the implementation of the standards through support for research and an awards system. Finally, it was seen to play a role in actively encouraging the community to use the complaints system.

In addition to implementing the recommended Gender Portrayal Guidelines, the Committee formed the view that the Government should also play a role in acknowledging the positive portrayal of women in advertising, undertake further work with regard to the portrayal of women in the media and advertising industries more generally, and explore the options of legislative mechanisms to improve the portrayal of women.

Recommendation 2:

That the Government explore the practicalities of developing gender vilification / gender tolerance legislation, or amendments to the *Equal Opportunity Act 1995* in order to broaden the scope of discrimination in advertising on the basis of sex.

Recommendation 3:

That the Minister for Women’s Affairs consider acknowledging agencies and advertisers that develop positive portrayals of women in advertising campaigns, on International Women’s Day.

Research and Education

Suggested opportunities for research and education in relation to the community, particularly women and girls, included:

- Educating girls to have a positive self-image;
- Encouraging women to use the power of their dollar to protest against inappropriate advertising;
- Increasing the profile of the system for complaints about advertising through a public awareness campaign. Promoting the details of relevant complaint-making processes;
- Developing a campaign to create public awareness of the Advertiser Code of Ethics and shared understanding of its meaning;
- Undertaking further balanced quantitative and qualitative research with all stakeholders; and

- Developing a workable concept for an advisory service through research and discussion with various stakeholders.

Opportunities for research and education were also suggested for the advertising industry, so that the various areas of the industry can be informed of its obligations and that best practice in effective outdoor advertising can be encouraged. There was a view that education in this area would lead to a reduction in the inappropriate portrayal of women. Education should not only be targeted at the industry but should commence in pre-entry courses. As part of tertiary studies for example, students could look at standards for the portrayal of women as part of folio work / assessment tasks.

Research was seen to be critical in providing to the industry information on effective advertising campaigns using outdoor advertising as a medium. It was felt that evidence gained through that research was unlikely to support the inappropriate portrayal of women. This was based on a view that such portrayal is based on a poor quality approach to advertising that seeks an easy concept approach rather than doing the conceptual work to determine the advertising message. It was suggested that good quality research is required on the effects on the market of different campaign approaches.

“As we have a keen interest in community attitudes we have decided to sponsor independent academic research at university level to ascertain if there is indeed a “problem” in this area [the portrayal of women in advertising] and if so, the extent of the problem.”

R Koltai, Advertising Standards Bureau (ASB)

The Committee was supportive of strategies promoting education and research in relation to the portrayal of women, and felt that this was a role for both industry and Government to undertake.

Recommendation 4:

That the Gender Portrayal Guidelines be promoted to the broader advertising industry via their representative bodies, along with a regular system of awareness-raising within the industry in relation to the portrayal of women. It is suggested that advertising bodies (eg, agencies, advertisers, and outdoor contractors) be invited, through adoption of the Guidelines, to sign a charter committing their organisation to the positive portrayal of women. In addition, it is recommended that outdoor contractors ensure each poster submitted for display is viewed and considered by the contractor prior to its display.

Recommendation 5:

That advertising industry bodies, including but not restricted to, the Advertising Federation of Australia (AFA), the Australian Association of National Advertisers (AANA) and the Outdoor Advertising Association of Australia (OAAA), regarding the possibility of establishing a joint industry referral service. The referral service would be a voluntary scheme for agencies, clients, and outdoor contractors to receive advice on advertisements that may be considered inappropriate or negative, prior to their display.

Recommendation 6:

That issues concerning the portrayal of women be incorporated into educational curricula, including primary and secondary school, as well as tertiary education.

Recommendation 7:

That relevant industry bodies be approached to consider ways of incorporating these issues into relevant industry curricula (such as the AFA’s ‘Ad School’).

Awards System

The development of an awards system was generally supported by participants in the industry forum. Those participants who expressed reservations concerning an awards system pointed to the proliferation of awards and hence questioned their value as a motivator. They were also concerned with the sense of tokenism that an awards system can generate. Participants strongly supported the development of any award in relation to the portrayal of women as part of a broader awards system so that the issues in relation to women are not marginalised and separated.

The Committee noted the general support for an awards system, acknowledging concerns that awards not be 'tokenistic' or seen as of little value. The Committee agreed that a Government-sponsored, rather than industry-sponsored system of awards would be more highly sought after by the industry, and that the portrayal of women should form part of a broader awards system. The development of an awards system could also complement the public acknowledgment of positive advertising featuring women by the Minister for Women's Affairs on an appropriate occasion such as International Women's Day, as recommended above.

Recommendation 8:

That a Government-sponsored advertising awards system be established, which includes but is not restricted to, an award for the positive portrayal of women. An awards system may also include a 'community / good citizen' award for outdoor contractors who provide free advertising space for such advertisements.

Modify Current System of Self Regulation

A preference for maintaining a self-regulatory approach was noted by some submissions to the Committee, although many suggested this should be on the basis that improvements be made in order to achieve greater efficiency in the complaints-handling system. Some of the suggestions made to the Committee included:

- simplifying the complaints process to make it easier to make a complaint;
- establishing an independent body to monitor advertising standards;
- addressing the issue along the lines of the UK model (Advertising Standards Authority);
- developing a system so that the complaint-handling body can call for the rapid removal of the poster concerned; and
- creating an official body having the power to require pre-approval of posters for repeat offenders.

“While a voluntary approach such as the Advertiser Code of Ethics is to be preferred there should be some teeth to back it up if necessary.”

Private submission

The market research identified the psychology of complaints as a significant issue. In particular the low rate of conversion from seeing something inappropriate to wanting to complain, and then from wanting to complain, to actually making a complaint. Of the female respondents who had seen something inappropriate in outdoor advertising (37%), almost two in every three (62%) had thought about complaining, but only 4% of those who thought about complaining did so. Thus out of a sample of 281, only three women had actually made a complaint. Amongst male respondents, 22% reported seeing something inappropriate in outdoor advertising, only one in three (32%) had thought about complaining, and, out of a sample of 121 males, none had complained.

Some reasons given for not making a complaint by respondents who had said they had wanted to complain (72 respondents) included: not having the time to complain (39%), not knowing who to contact (22%), thinking no-one would listen (13%), and not knowing how to complain (10%). The group identified as most likely to complain about outdoor advertising was women aged 35 years and over. These complainants were also more likely to be from metropolitan Victoria, rather than women from rural Victoria.

The Committee agreed that there was significant dissatisfaction with the community's experience of the complaints process in relation to advertising. It was felt that this issue should be raised with the national complaints-handling body for advertising, the Advertising Standards Board.

Recommendation 9:

That a constructive dialogue with the Advertising Standards Board (ASB) be established to discuss issues in relation to the Board's processes for dealing with consumer complaints about advertising in general, and in particular the portrayal of women, as well as ways to raise awareness in the community of the existence of a complaints-handling system for advertising.

Regulation

Greater regulation was recommended by a number of submissions, and suggestions included: the development of legislation; the creation of an independent regulatory body with the power to impose penalties or fines on advertisers; a body of community representatives with the authority to analyse and assess advertisements without having to receive a formal complaint; and a requirement for advertisers to 'tender' for public space before advertising.

"If the ASB continues to prove ineffective in improving the representation of women in advertising, the only alternative is for Governments to impose statutory regulations on the images used by advertisers, presumably with some kind of penalty imposed on those advertisers who breach the regulations. This would effectively mean an end to the 'self-regulation' of advertising and make the ASB as a voluntary body largely redundant."

Community Action Against Sexual Services Advertising (CASSAA)

"Strict regulations should be applied, and enforced, with regard to all advertising which is displayed outdoors."

Women's Action Alliance

There was no support for the introduction of a government-controlled regulatory system on the part of the advertising industry, however there was extensive discussion on a strengthening of the self-regulatory system as part of a whole-of-industry solution. Suggested strategies to improve the existing system included: expanding the role of the Advertising Standards Board (ASB); developing a checklist to guide good practice in outdoor advertising (noting the joint AANA/AFA/OAAA advisory paper and checklist); and clarifying what is meant by 'prevailing community standards' in the current regulatory requirements.

Suggestions from industry included the possibility of developing a system that would require approval by a pre-vetting authority to determine what is acceptable or not. It was envisaged that this type of initiative would bring the outdoor sector into line with commercial television, and would address the issue of campaigns being finished and advertising billboards changed before the current complaints process is completed and a finding is registered. It was conceded that the control of 'rogue elements', especially repeat offenders was necessary, although difficult. The sentiment was expressed that 'just because it's hard doesn't mean we shouldn't have a go'. In addition, sanctions for repeat offenders would need to be explored, and to achieve an improvement in the current self-regulatory system, funding for particular measures would need to be addressed.

"It does not follow that pre-vetting an advertisement will protect against it offending a person because of individual sensitivities. The present complaints system works and it is impracticable to expect any such system to operate instantaneously. Fair play entitles an advertiser to express an opinion in response to a complaint."

Outdoor Advertising Association of Australia (OAAA)

"The AANA is strongly of the view that a proven system of self-regulation is preferable to the advent of censorship in any form of restriction of the existing rights to freedom of

commercial speech to which it is committed. Confident that the current system has demonstrated a capacity to properly reflect community, rather than political or partisan standards in relation to the portrayal of women in advertising generally and in outdoor advertising specifically, the AANA commends the continuing work of the Advertising Standards Board.”

S Morton-Stone, Australian Association of National Advertisers (AANA)

Of four options presented in relation to a preferred system of regulation for outdoor advertising, the market research process found that the most preferred option was a combination of laws and guidelines, tempered by an advisory process. This was preferred by 64% of female and 44% of male respondents. Other options canvassed were: the retention of the current system of self-regulation (preferred by 13% of female and 31% of male respondents), laws and rules that restrict content (preferred by 14% of female and male respondents), and an advisory process giving a guide on content (preferred by 9% of female and 11% of male respondents).

The Committee recognised the opposing views in relation to the re-establishment of a regulatory system for advertising in Australia and the complexity of any attempt to do so, including the national implications of such an approach. In particular the Committee noted the decision of the Australian Competition and Consumer Commission (ACCC) to revoke the Media Council of Australia’s accreditation system for advertising guidelines in 1995, on the basis that they had become anti-competitive (a decision upheld by the Australian Competition Tribunal in 1996). As such, the Committee considered that further thought should be given to the ways in which improving the portrayal of women in advertising might be progressed at a national level. The Committee felt that any further work should be collaborative, and involve key stakeholders and relevant interested parties.

Recommendation 10:

That further work be undertaken in relation to the portrayal of women in the media and advertising industries in a collaborative way at a national level.

Part Four: Contextual Information

Australian Advertising Regulatory Structures

Since 1998, advertising in Australia has been governed by a voluntary system of self-regulation administered by the Advertising Standards Bureau. The system is funded voluntarily by the industry via the Australian Advertising Standards Council Ltd (AASC) which, according to the Bureau “recognises that advertisers share a common interest in promoting consumer confidence in and respect for general standards of advertising.”⁸ This system of self-regulation is designed to complement other systems of regulation in the advertising environment. As identified by the Bureau, these include the classification of print and cinema material by the Office of Film and Literature Classification (OFLC), the regulation of television and radio advertisements through enforceable codes of practice (through agencies such as FACTS - the Federation of Australian Commercial Television Stations, and FARB – the Federation of Australian Radio Broadcasters), under the auspices of the Australian Broadcasting Authority (ABA), and the regulation, through various State and Commonwealth agencies of fair trading and consumer affairs, of truth and accuracy in advertising.⁹ The current system of self-regulation was the result of a number of important events in the history of the media industry.

Australia’s advertising industry has a long history of self-regulation, and up until 1996 this structure was headed by the Australian Advertising Industry Council (AAIC). The AAIC was established in 1978 and consolidated the main elements of the advertising industry, including the Australian Association of National Advertisers (AANA), the Advertising Federation of Australia (AFA), and the Media Council of Australia (MCA). The complaint handling body in this system was the Advertising Standards Council (ASC).¹⁰ In 1996, the Australian Competition and Consumer Commission (ACCC) decided to revoke the MCA’s accreditation system for advertising guidelines, because its complaint handling system was seen to be dominated by anti-competitive elements that outweighed the public benefits of the system. As a result, the MCA disbanded its system of advertising codes and regulation, including the ASC.¹¹ Following consultation, the AANA then developed a three-part system of self-regulation in advertising, including the AANA Advertiser Code of Ethics; the Advertising Standards Board (ASB); and the Advertising Claims Board (ACB). At this time, it was noted that “the authority of [the ASB and ACB] rests on the willingness of advertisers to adhere voluntarily to ethical standards.”¹²

Advertising Standards Board

A member of the Advertising Standards Board was invited in 2001 to speak to the Committee, and indicated that the most difficult issue for the Board is complaints that concern advertisements that are seen to discriminate or vilify. The Board also believes that it holds a high degree of power in its publicity, ensuring that a high proportion of offending advertisements are withdrawn.

In response to particular concern in 2000 regarding a number of advertisements attracting complaint on the grounds that they were sexist and/or unnecessarily sexually explicit, the Advertising Standards Board included a section on the portrayal of women in advertising in its Review of Operations for 2000 to raise community awareness of the Board’s decision-making processes. The Review advises that:

“In deciding whether an image discriminates against or vilifies women, the Board takes account of the fact that we now live in a society where women perform a wide variety of roles in both the workplace and the home. In addition, the Board also takes into account that there is a broad community awareness of the diversity of roles which women perform and that their portrayal as sexually attractive does not reduce them to their value merely as sexual partners.”¹³

⁸ Advertising Standards Bureau Ltd, *1st Annual Report 1998*, NSW, p.3

⁹ *Ibid.*, p.10

¹⁰ Harker, D. and Harker, M. “Establishing New Advertising Self-regulatory Schemes: A Comparison of the UK and Australian Approaches” *Australian Journal of Public Administration*. 59(2): 56-62, June 2000, p.59

¹¹ *Ibid.*

¹² Australian Association of National Advertisers, *Advertising Self Regulation: The Facts, The Figures, The Future*, 1997. p.13

¹³ Advertising Standards Bureau. *Review of Operations 2000*. p.9

Advertising Federation of Australia

The Committee was advised by the Advertising Federation of Australia (AFA) that its members comprise the vast majority of advertising agencies, including multinational and Australian companies. The AFA is committed to the existing structure of self-regulation, and has also developed its own Code of Ethics. The AFA code calls upon individuals to make assessments in relation to advertisements. The code is a few years old and all AFA members have 'signed off' on it as a condition of membership. Members agree to adopt the code into their corporate culture. The AFA advised the Committee that they are intending to run internal focus groups to seek to influence members' behaviour.

It was suggested to the Committee that the changing values in society are not only influenced by advertising; that for example, editorial standards have altered dramatically. It was acknowledged by the AFA that there is an obvious issue concerning outdoor advertising in relation to its location and general exhibition status and that this medium could be used inappropriately. With regard to this, it was noted that collaboration with people in the alcohol industry has resulted in that industry establishing a pre-vetting system for advertising. Any arrangements would need to be collaborative, and it was noted that non-members of the AFA are beyond the control of the organisation.

The AFA also remarked on a forum conducted by the organisation in 1995 on the portrayal of women in advertising, which they consider to be a turning point in relation to the issue. It was also suggested that there is a strong case for market influence is apparent; while the creative population is largely male, the AFA are working on this. In 1995, 6% of senior managers were women, this figure is now 23%, and that while there is still a long way to go, the industry is conscious of the issues.

Australian Association of National Advertisers

The Australian Association of National Advertisers (AANA) is the peak industry body representing advertisers in Australia. The Committee was advised by the AANA that outdoor advertising is only one element of the media mix, and that in proportion to other media, outdoor is considered a small segment and this has a bearing on the relevance of complaints made about it. In addition, it was suggested that media coverage of outdoor advertising is often disproportionate to the issue itself. The AANA advised that television is the most powerful and provocative type of advertising, and that media, primarily newspaper coverage, tends to sensationalise problematic outdoor advertisements.

It was suggested to the Committee that there is a continual balance that needs to be maintained between regulation and management. An educative process, such as ethics and advertising (including on the portrayal of women), would be useful for smaller 'renegade' firms who are not association members, and that at the end of the day, the power of large advertisers would bring smaller operators into line. The AANA felt that legislation was not the right solution, as the evolutionary process within the industry would be constrained by legislation. However, a regular forum setting was seen as a better solution, as it would allow ideas to be tested and challenged.

Outdoor Advertising Association of Australia (OAAA)

The Outdoor Advertising Association of Australia (OAAA) is a national body with state branches, representing a majority of outdoor media owners. The OAAA advised the Committee that it also supports self-regulation and the role of the Advertising Standards Board. The OAAA views its role as non-censorial, and the Committee was advised of the practical difficulties for outdoor media owners in relation to reviewing advertising material prior to its display.

However, the OAAA was aware of the increase of complaints to the ASB in relation to outdoor advertising in 2000 and as a result, worked jointly with the AANA and the AFA to develop the advisory paper and checklist which is discussed in greater detail earlier in this report. The OAAA viewed an educative process as useful, and suggested that formal or prescribed standards would always be purposely flouted by a small number of companies.

International Advertising Regulatory Structures

Advertising in the United Kingdom

Advertising in the United Kingdom operates under a self-regulating system, governed by the Advertising Standards Authority (ASA), established in 1961 with the responsibility for administering the system and applying the *British Codes of Advertising and Sales Promotion*, “to make sure that the public are not misled or offended by advertisements.”¹⁴ The Codes are developed by the advertising industry through the Committee of Advertising Practice (CAP). The administration of the ASA is funded via a levy placed on display advertising and direct mail expenditure, collected by the Advertising Standards Board of Finance, and the ASA receives approximately 12,000 complaints per year.

Unlike the Australian system, the ASA can take action to have an advertisement withdrawn or changed without having to wait for a complaint. The ASA report that its staff ‘spot checks’ approximately 10,000 advertisements every week, which “help the Authority to keep an eye on trends and to act quickly to have an advertisement stopped if it raises a problem under the codes.”¹⁵ This research aspect of the ASA is one of the three ways the Authority performs its role, the other two being pre-publication advice, and the resolution of complaints. Advertisers, agencies and publishers are able to utilise a free pre-publication advice service provided by the CAP to check advertisements against the Codes. This process avoids financial losses to companies that may be incurred if an advertisement was later found to be offensive.

Advertising in Canada

Canada also operates a self-regulatory advertising system, administered by the national industry association Advertising Standards Canada (ASC), and funded via membership fees and revenue from the organisation’s pre-clearance services to advertisers. ASC reviews and makes rulings in relation to consumer complaints about advertising that seemingly contravene either the *Canadian Code of Advertising Standards* (the Code) or Canada’s *Gender Portrayal Guidelines* (the Guidelines). A consumer can make a complaint in relation to the depiction of women or men under either the Code (clause 14c), or the Guidelines. If a complaint made under the Code is pursued, it is dealt with by the Consumer Response Council. If the complaint made under the Guidelines is pursued, it is dealt with by one of Canada’s three Advisory Panels on Gender Portrayal. Since 1999, where a complaint is made against the Code in relation to gender, the Council can, where appropriate, refer to the Gender Guidelines for assistance.

ASC has administered the guidelines in relation to gender portrayal for twenty years, following the recommendation and development of guidelines in 1981 by the Canadian Radio Television Telecommunications Commission’s Task Force on Sex Role Stereotyping in the Broadcast Media. ASC observes that the guidelines, “are designed to help creators of advertising develop positive images of women and eliminate systemic discrimination based on gender.”¹⁶ The Guidelines have six clauses, covering Authority, Decision-Making, Sexuality, Violence, Diversity, and Language. ASC also publish those associations and organisations that have accepted the Guidelines and support the activities of the Panels.

In 2000, ASC received 1143 complaints. Of these, 817 were pursued, having met the criteria for evaluation under either the Code or the Guidelines. After being evaluated by ASC staff, 289 of the complaints were forwarded on to either of the two adjudicating bodies, the Consumer Response Council and the Advisory Panel on Gender Portrayal. The Advisory Panel on Gender Portrayal had 34 complaints to consider in 2000, of which 28 were upheld.¹⁷

Additional functions of ASC include: advisory and copy clearance services to various advertising and marketing industry groups upon request; and a consultation service to the industry, through which ASC’s opinion can be obtained on whether or not a proposed advertisement might raise an issue under either the Code or the Guidelines.

¹⁴ Advertising Standards Authority (UK). www.asa.org.uk 2001

¹⁵ Ibid.

¹⁶ Advertising Standards Canada *Gender Portrayal Guidelines* www.canad.com. 2001, p.1

¹⁷ Advertising Standards Canada *2000 Ad Complaints Report* www.canad.com. 2001, p.2

Advertising in the United States

The Committee is unaware of any national regulatory body for advertising in the United States. However, the peak trade association for the outdoor advertising industry is the Outdoor Advertising Association of America, which has its headquarters in Washington DC and a marketing office in New York. Membership of the OAAA includes: companies that own or operate billboards in the United States, companies that sell space for advertising on street furniture, shelters, transit / airports / taxi, truckside, alternative and other outdoor media displays; companies or individuals providing services or products to the outdoor advertising industry; and any company or individual using the outdoor medium and/or supporting the goals of the outdoor advertising industry.¹⁸ According to the OAAA, the Association adheres to “external laws and regulations”, as well as abiding by their own set of industry principles, the *Code of Advertising Practices for Children*, and the *Code of Industry Principles for Billboards*.¹⁹ The latter includes issues in relation to respecting the environment; maintaining a good working relationship with local communities; providing an effective, attractive product; supporting worthy local causes; and observing highest free speech standards.²⁰

Outdoor Advertising in Victoria

Billboards

Where the term ‘billboards’ has been used in this report, it refers to the various kinds of outdoor advertising, including: ‘6-sheet posters’ (3m x 1.5m, located in service station driveways, shopping centre car parks, and on walls of buildings in retail precincts); ‘24-sheet posters’ (the traditional billboard, 6m x 3m, many of which are illuminated); and ‘supersites’ (12.66m x 3.35m advertisements located on national highways and major city arterial routes, some of which are backlit)²¹. In Victoria billboards may be situated on ‘private’ or Government-owned property. With regard to the former, the Victoria Planning Provisions (VPP) provide a standard format for all Victorian planning schemes. According to the Department of Infrastructure, the VPP:

“is best considered as a state-wide reference document or template from which planning schemes are sourced and constructed. It is not a planning scheme and does not apply to any land. It is a statutory device to ensure that consistent provisions for various matters are maintained across Victoria and that the construction and layout of planning schemes is always the same.”²²

The VPP do not provide local planning policy content. This must be provided by the planning authority, usually the municipal council. This means that advertising signs commonly termed ‘billboards’ that are constructed on private land are the responsibility of local councils, in conjunction with the provisions of the VPP.

Advice from the Department of Infrastructure (DOI) notes that the view of the planning area of the Department has traditionally been that the only issue with regard to land use or development is whether a sign should be granted a permit to be erected. The planning division of DOI is not involved with the content of signage and would not get involved in such issues. A brief review of planning provisions in other jurisdictions revealed a similar planning process for Australia’s other states and territories.

With regard to billboards that are on Government-owned property, these are generally located on and around public transport areas, and are therefore the responsibility of the Victorian Rail Track Corporation (VicTrack). VicTrack is the successor to the Public Transport Corporation (PTC), which held advertising licences for metropolitan and country Victoria. These licences have now been broken up by the franchising of public transport. A number of billboards are the responsibility of franchisees, while larger ‘supersite’ and a number of other billboards remain the responsibility of VicTrack. Those billboards that are the responsibility of transport franchisees are discussed below.

¹⁸ Outdoor Advertising Association of America. www.oaaa.org 2001

¹⁹ Ibid.

²⁰ Ibid.

²¹ Outdoor Advertising Association of Australia (OAAA). www.oaaa.com.au 2001

²² Department of Infrastructure (Victoria) www.doi.vic.gov.au 2001

VicTrack has responsibility for approximately 116 advertising “faces” (advertising panels), 60 of which are in the metropolitan region. Advice from VicTrack is that in terms of managing issues relating to content, advertising contractors wishing to advertise on VicTrack panels are required, via the Licence and Authority Agreement, to comply with a number of guidelines and specifications. The Licence and Authority Agreement covers general requirements such as the “atmosphere and natural environment of a Station or Line”, as well as particular guidelines in relation to artwork. Approval to allow an advertisement to be displayed lies with VicTrack, which has established an in-house process for making such decisions. Approvals are usually made within 24 to 48 hours, and the Committee is advised that on average, fewer than 1% of submitted requests to advertise on VicTrack panels are disallowed.

Trains and Trams

In August 1999, responsibility for the day-to-day service provision of Victoria’s tram and train services was franchised to a number of private-sector companies:

- MetroLink Pty Ltd operates Yarra Trams;
- Melbourne Transport Enterprises (trading as Connex Trains Melbourne) took over the operation of Hillside Trains; and
- National Express Group Australia took over Bayside Trains (now M>Train), Swanston Trams (now M>Tram), and V/Line Passenger.

Each operator entered into a legally binding franchise agreement with the Government for a number of years. This followed a program of bus privatisation, which, by mid-1998, had transferred the remaining government-owned MetBus to Melbourne Bus Link. All of Melbourne’s route bus services are now operated by 39 separate private-sector companies under contract to the Government. The franchise agreements and bus contracts are managed the Director of Public Transport, Department of Infrastructure.²³

During consultation with the train and tram franchisees, the Committee was advised that the current in-house arrangements utilised by the franchisees in relation to advertising have been successful. All franchisees reported having developed close working relationships with their contracted outdoor media contractors to ensure that advertising which would potentially breach the advertising code of ethics was avoided prior to display. The franchisees also agreed that if guidelines were developed, they would be unlikely to adversely affect their method of operation.

Yarra Trams, which runs 201 trams and has 300 tram shelters advised that its contracts provide that sexual, religious or political material is not allowed. Any contentious material is provided by the relevant outdoor media contractor to Yarra Trams in digital form for a decision, prior to display. Connex advised that stipulations made in the Franchise Agreements that advertising must comply with state and federal legislation as well as decisions of the Advertising Standards Board provided particular protection. Connex further advised that the company reserves the right to require material to be removed within 24 hours without any reason being given, but allows the outdoor media contractor to make decisions in relation to content. Where Connex has its own advertising space, decisions on content are usually made two staff members (including the General Manager of Marketing). National Express endorsed the comments made by both Connex and Yarra Trams, and advised that the company had required modifications to advertising featuring in some shelters.

Buses

In relation to advertisements that appear on the side panels of route buses, the Committee was advised that each bus operator has an individual agreement with BusPak, which sells the space to advertisers. The industry generally relies on BusPak to manage content and operators do not routinely review the material before it is placed on their buses. This means that the standards relating to content that apply to material appearing on buses is the same as applied by the advertising industry generally.

²³ *Track Record; Victoria’s Train Tram and Bus Services Quarterly Performance Bulletin: July-September 2000*, Department of Infrastructure, December 2000, p.2

Taxis

The Department of Infrastructure has advised the Committee that taxi-cab regulations provide that taxi operators are not permitted to fit or attach any matter or thing to either the inside or outside of a taxi-cab without approval. Since the introduction of a taxi reform package including new taxi livery in mid-1994, expansion of external advertising on taxis has been prohibited. Formal agreements (between taxi operators and advertising brokers) which commenced prior to mid-1994 for external advertising are permitted to run until expiration of those agreements.

“Mobile” Advertising

The Committee is not aware of any regulation in relation to the display of ‘mobile’ billboards. This form of advertising is a relatively recent medium, generally involving a billboard being placed in the tray of a small truck or van, which is subsequently driven through high population areas, such as the city. It is not uncommon for more than one vehicle to be used, forming a mobile ‘fleet’ of advertising. Anecdotal information provided to the Committee has suggested that some local councils have prohibited these vehicles from stopping and parking in public car-parking spaces.

VicRoads

VicRoads has statutory powers, responsibilities, and policies relating to advertising and the road network declared under the Transport Act (excluding City Link). VicRoads’ policy distinguishes between advertising within (on and over) declared road reserves and advertising outside, but adjacent to declared road reserves.

It is VicRoads policy that advertising, especially of a commercial nature, on and over declared road reserves be minimised and may only be allowed by VicRoads in exceptional circumstances. The exhibition of an advertisement on or over a declared road reserve requires the written consent of VicRoads, but this power may be delegated to Councils on main roads where they have management responsibility. It is the view of VicRoads that advertising is allowed within declared road reserves on tram and bus shelters because of the resultant community benefits associated with the provision and maintenance of these shelters. In these cases VicRoads does not vet the advertising content. It is also VicRoads policy to use its legislative powers to remove or require the removal or alteration of any advertisement exhibited on or over a declared road reserve without written consent, or which compromises road safety or is in a state of disrepair or is unsightly.

Local planning authorities administer advertising outside, but adjacent to, declared road reserves under planning scheme provisions. The local planning authority is required to take into account a road safety checklist in the Victoria Planning Provisions and include mandatory planning permit conditions to ensure that changes in sign content meet road safety considerations. VicRoads monitors such advertising, and if necessary can intervene utilising its legislative powers to issue a direction for the removal or alteration of advertising that does not comply with VicRoads’ road safety checklist. However, in such instances a verbal request normally suffices and a formal direction is rarely used.

On behalf of the Government, VicRoads manages the administration of a contract for the rights to advertise on thirteen signs on nine bridges over the Tullamarine Freeway. The contract requires the Department of Premier and Cabinet approve the content of these signs.

Transurban City Link

Information provided by Transurban City Link advises that the organisation leases outdoor advertising sites to outdoor contractor Cody Outdoor. The current contract is for 16 years. As Transurban considers the signs to be owned and operated by Cody Outdoor, they do not have a role as regulator for content of the sites. Further, Transurban believes the regulation or censorship of the sites should be achieved through the advertising industry code of practice.

Other Regulatory Structures in Victoria

Equal Opportunity Commission Victoria

The Equal Opportunity Commission deals with matters relating to equal opportunity and discrimination. The *Equal Opportunity Act* 1995 provides protections in relation to discrimination in employment, education, goods and services. A public display (such as an outdoor advertisement) may not fall within the scope of these categories of the Act's jurisdiction. As a complaints-based body, rather than a tribunal of fact, the Commission is limited in its avenues to commence investigations. If a complaint of discrimination has substance, the Commission can attempt conciliation between the two parties.

The Committee was advised by the Commission during consultation that in order to undertake a conciliation of a complaint, a nexus between an advertisement and discrimination would need to be made. There are limitations in the Act with regard to this, and these limitations are mirrored in anti-discrimination legislation across Australia. It was suggested by the Commission during consultation that the possibility of further investigation in relation to the forms of vilification legislation in Australia could be examined, particularly with regard to possibilities for expansion. Investigating whether amendments could be made to the *Equal Opportunity Act* 1995 in accordance with the spirit of the Act, was also suggested.

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Glossary

AAIC – Australian Advertising Industry Council

AANA – Australian Association of National Advertisers

AASC – Australian Advertising Standards Council Ltd

ABA – Australian Broadcasting Authority (Aus)

ACB – Advertising Claims Board (Aus)

ACCC – Australian Competition and Consumer Commission

AFA – Advertising Federation of Australia

ASA – Advertising Standards Authority (UK)

ASB – Advertising Standards Board (Aus)

ASC – Advertising Standards Canada

ASC – Advertising Standards Council (Aus)

CAP – Committee of Advertising Practice (UK)

CEDAW – Convention for the Elimination of Discrimination against Women

FACTS – Federation of Australian Commercial Television Stations

FARB – Federation of Australian Radio Broadcasters

MCA – Media Council of Australia
OAAA – Outdoor Advertising Association of Australia
OFLC – Office of Film and Literature Classification (Aus)
OSW – Office of the Status of Women (Cth)
OWP – Office of Women’s Policy (Vic)
PTC – Public Transport Corporation

Appendices

- A. List of Submissions
- B. List of Consultations
- C. List of Forum participants

Appendix A: List of Submissions

1. Private submission
2. S Rogers
3. R MacGregor
4. P Hotchkin, National Viewers and Listeners Association of Australia Inc.
5. J Calvert
6. A Barron, The Memucan Institute
7. M Foster, Womensport Australia
8. D Breen
9. W Pollard
10. D Ross, Nadia Al Fresco
11. P McGlade
12. B Murray, Aboriginal Housing Board of Victoria
13. A Sgro, Union of Australian Women
14. D Yudkowski, Adass Israel School
15. D Harker, University of the Sunshine Coast
16. S Silcove, Adass Israel Women's Council
17. C Ford, Southern Women's Action Network
18. V Backhouse
19. S Wright, City of Whitehorse
20. E Steeper, National Council of Women of Victoria
21. B May
22. K Coghlan, Body Image and Health Inc.
23. L Brydon, Advertising Federation of Australia (AFA)
24. R Koltai, Advertising Standards Bureau (ASB)
25. M Allen
26. E Costoso, Inner Western Region Migrant Resource Centre
27. N DiSanto, Hume City Council
28. K Laurence, Student Union Officer, University of Melbourne

29. J Stokes, Salt Shakers
30. E Callipari
31. J Christou, Southcoast Outdoor Pty Ltd
32. A Abelesz, Adass Israel Congregation
33. G Gifford, Community Action Against Sexual Services Advertising
34. M Clark, Association of Neighbourhood Houses and Learning Centres
35. K Hughes, N Riemer, and A Spann
36. M Beaumont, Women's Health Victoria
37. M McKay
38. A Ball
39. D Den-bakker
40. K Crinall, Monash University Churchill
41. S Fitzgerald, Feminist Lawyers
42. S Morton-Stone, Australian Association of National Advertisers (AANA)
43. M Burke, Valerie House Women's Refuge
44. T Rankin
45. S Barrett
46. P Kikos, Access Training and Employment Centre Inc.
47. K Grulke
48. N Sullivan, Women's Action Alliance Vic Inc.
49. K Van der Weerden
50. S McBratney, National Union of Students Women's Department
51. P Campbell and P Staindl, Outdoor Advertising Association of Australia Inc. (OAAA)
52. R Squirchuk, Council for Equal Opportunity in Employment Ltd
53. R Read, WIRE – Women's Information and Referral Exchange
54. L Schaper
55. C Pritchard, CASA House
56. A Bamford
57. G Sheehan

58. L Monahan (Youth Worker) and K Birchall, E Kanjo, E Whitford, K Ford, P Spencer, P Ceddia and E Haynes (students), Niddrie Secondary College
59. L Monahan (Youth Worker) and C Atilan, K Watson (students), Buckley Park College
60. L Solomon, Women's Electoral Lobby of Victoria (WELVIC)
61. M MacDonald, YWCA Victoria
62. D Sisely, Equal Opportunity Commission of Victoria

Appendix B: List of Consultations

1. Wendy McCarthy, Advertising Standards Board (ASB), 15 June 2001
2. Dr Diane Sisely and Ben Rice, Equal Opportunity Commission Victoria, 15 June 2001
3. John Sutton and Gregg Kennedy, Victorian Rail Track Corporation (VicTrack), 13 July 2001
4. Sue Peden, Clemengers BBDO, 13 July 2001
5. Lesley Brydon, Advertising Federation of Australia (AFA), 13 July 2001
6. Pat Campbell, Brian Tyquin, Barry Payne, and Philip Staindl, Outdoor Advertising Association of Australia (OAAA), 25 July 2001
7. Sara Morton-Stone and Paul Kennedy, Australian Association of National Advertisers (AANA), 10 August 2001
8. Bill Hronopoulos (VicRoads), Paul Matthews (Yarra Trams), Arthur Bruce (Connex), Lynda Hannah (Transurban), and Mike Luxton (National Express), 24 August 2001
9. Paul Kennedy, Alcohol Advertising Prevetting System (AAPS), 28 September 2001

Appendix C: List of Forum Attendees

Keynote speaker:

Susan Halliday, Federal Sex Discrimination Commissioner April 1998 – April 2001

1. Barry Payne, Outdoor Advertising Association of Australia (OAAA)
2. Jane Cook, Zenith Media
3. Gabrielle Sheehan, Brandhouse
4. Matt Long, Adshel
5. Paul Gardner, Grey Worldwide Pty Ltd
6. Robert Chard, Mitchell and Partners
7. Sarah Scambler, DDB
8. Angela Clark, JC Decaux
9. Philip Staindl, Outdoor Advertising Association of Australia (OAAA)
10. Kelvin Whitford, IOM Pty Ltd
11. Jackie Dickenson, Department of Visual Communication, RMIT
12. Prue Lovell, Transport Accident Commission
13. Sarah Hatherley, Clemenger BBDO
14. Helen Humphreys, Eyecorp
15. Karen Whellwright, Bowater School of Management and Marketing, Deakin University
16. Paul Johns, Buspak
17. Christina Frost, DDB
18. Pat Campbell, Outdoor Advertising Association of Australia (OAAA)
19. Paul Kennedy, Australian Association of National Advertisers (AANA)
20. Allen Scash, Optimedia
21. Richard Herring, Cody Outdoor
22. Leslie Brydon, Advertising Federation of Australia (AFA)
23. Nicky Brugnola, DDB
24. Fiona Leeming, DDB

Enquiries about this publication can be directed to:

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