

## ADVERTISING STANDARDS BUREAU

Wednesday, 25 July 2007

**The Hon. D.G.E. HOOD:** I rise today to bring to the council's attention the actions of the Advertising Standards Bureau or, rather, the inaction of the Advertising Standards Bureau. The bureau is funded by a mutually agreed voluntary levy contribution of 35 cents for every \$1 000 spent in purchasing print, television or radio advertising in the advertising industry. The particular aspect of the bureau's activities about which I am concerned is the hearing of complaints regarding breaches of the voluntary code of practice within advertising.

The bureau received some 2 956 complaints for the 2005 reporting year. Of those complaints, 970 were judged as being outside the bureau's charter. Of the approximately 2 000 remaining matters, 1 753 were dismissed and 139 withdrawn. In other words, just 94 of the approximately 2 000 complaints were upheld; that is, just 4.7 per cent of complaints were upheld. That trend also holds for the years 2002, 2003 and 2004.

Family First calls that arrogance and inadequate protection. The bureau that self-regulates an industry ruled by a voluntary code of conduct rejected more than 95 per cent of complaints made against it. What is the point of having this bureau? It is ineffective and, frankly, just inadequate. The trend in rejecting viewer complaints filters over to the hearing and determination of complaints about the content of television programs, where, on average, 4 per cent to 6 per cent of all viewer complaints are upheld—just 4 per cent to 6 per cent. That is a consistent trend since the year 2000—quite a considerable length of time. I do not want to sound as though I am against self-regulation. Self-regulation can deliver fair outcomes, but for complaints with just a 4 per cent success rate, as in this case, clearly, that is not occurring. However, there are many instances where self-regulation does deliver adequate outcomes, and I will take the time to acknowledge a few of those examples.

The Press Council of Australia is a good comparison. The PCA represents the self-regulation of print media, such as newspapers. Its rate of upholding complaints is some 56.7 per cent. Half of those upheld were upheld in full, and the other half were partially upheld in the last reporting year—2005-06. For the 17 years from 1988 to 2005, some 40.1 per cent of complaints were upheld either partially or in full—a much more reasonable figure. The Legal Practitioners Conduct Board of South Australia is another good example of self-regulation. Complaints, when laid with the board, are usually made by members of the public who usually feel they have been wronged, or, in some cases, robbed by their lawyer.

In the last reporting year, 434 complaints were made and, by my count, 165 of those complaints were either upheld or resolved through conciliation, which is a total of 38 per cent—again, a reasonable outcome.

A final example: in 2005-06, 95 of the 170 (or some 55 per cent) complaints made to the Medical Board of South Australia were upheld in some shape or form, which again is a reasonable outcome and a big improvement on the 2004-05 figure, where 85 of the 121 complaints were rejected or withdrawn. Self-regulation can work where a body that is self-regulating cares to make it work. What this data tells me is plain and simple: members of the Australian public have a sense of what justice and fair treatment is, and on balance they are reasonable when they make complaints.

The Advertising Standards Bureau is way out of step with community standards. The ASB appears complacent about the sexualisation of women and children, allows alcohol manufacturers to promote their product as being the means to innovation, financial success and even finding a sexual partner in some cases. The ASB has rejected claims of violence, including family violence, without condemnation when complaints have been made.

It is incumbent upon the government to call a stop to this. Given the largely national nature of broadcasting and publishing, it is the responsibility of the federal government to intervene quickly. Family First will watch with interest the

actions and policies of the Howard government and the Rudd Labor Party concerning this area in the forthcoming federal election campaign.

The Hon. Steve Fielding, federal senator for Victoria for Family First, has written to both Mr Howard and Mr Rudd. The Family First letter calls upon the government, be it coalition or ALP by the end of the year, to take control of regulating advertising to ensure that it reflects community standards and protects our children against offensive material.