

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE IMPACT OF
ADVERTISING STANDARDS
ON ROAD SAFETY

REPORT OF THE HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON ROAD SAFETY

NOVEMBER 1983

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HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ROAD SAFETY

Terms of Reference

On 4 May 1983, the Committee was appointed by Resolution of the House of Representatives to inquire into and report on:

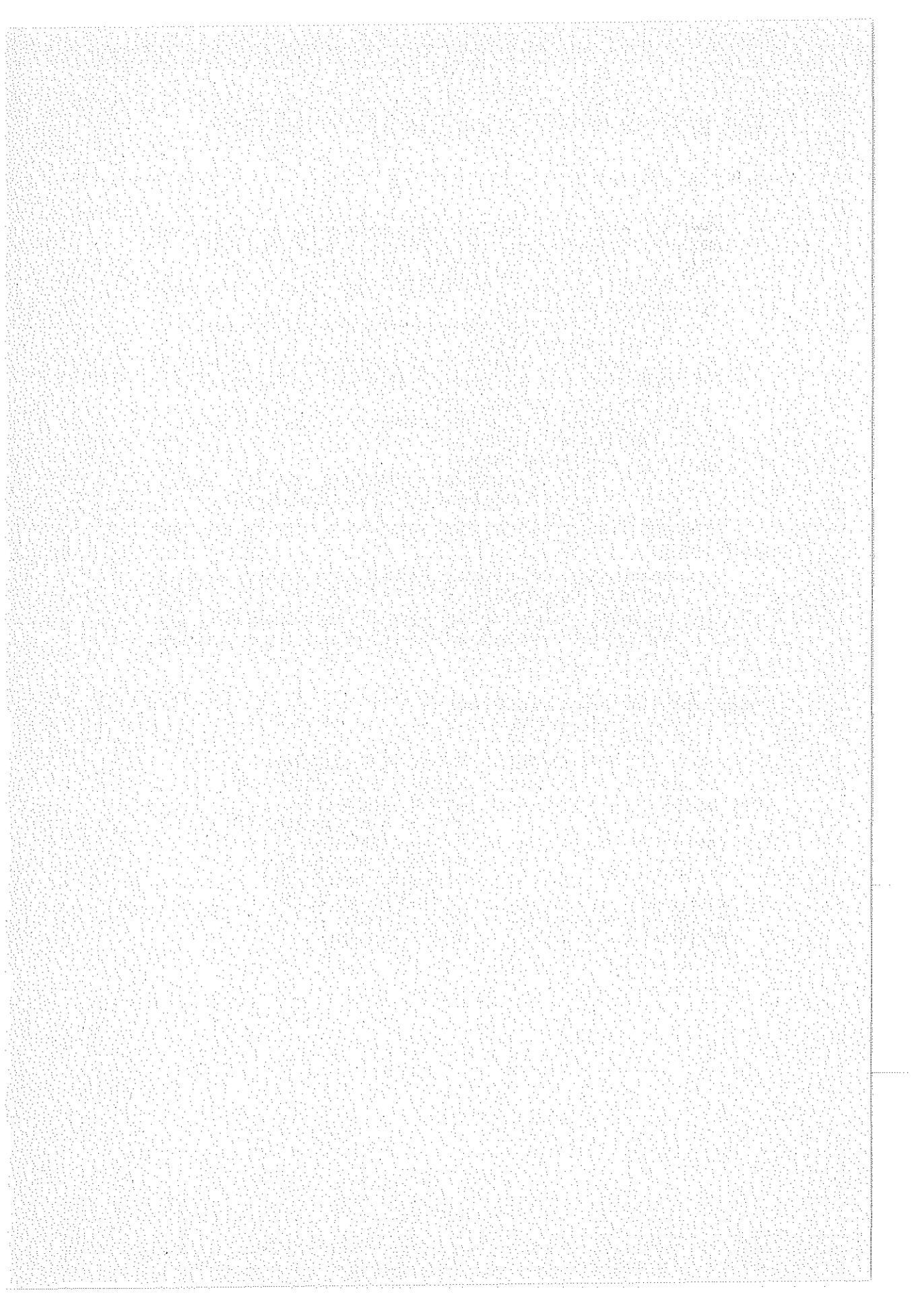
- (a) the main causes of the present high level of the road toll in Australia;
- (b) the most effective means of achieving greater road safety in Australia;
- (c) the particular aspects of the problem to which those concerned with road safety could most advantageously direct their efforts, and
- (d) the economic cost to the community of road accidents in Australia in terms of -
 - (i) material damage;
 - (ii) loss of man-hours and earning capacity, and
 - (iii) cost of treatment of accident victims.

The Committee, on 6 July 1983, resolved to inquire into and report on:

- (a) the adequacy of existing advertising standards as they relate to road safety;
- (b) the means of setting and enforcing such standards, and
- (c) possible improvements in the content of those standards.

Membership of the Committee

<i>Chairperson</i>	Mrs E.E. Darling, MP
<i>Deputy Chairman</i>	The Hon. R.C. Katter, MP
<i>Members</i>	Mr J.M. Brumby, MP
	Dr R.I. Charlesworth, MP
	Mr B.J. Goodluck, MP
	Mr R.N.J. Gorman, MP
	Mr D.P.M. Hawker, MP
	Mr D. McM. Wells, MP
<i>Secretary to the Committee</i>	Mrs L. Simons
<i>Secretary to the Inquiry</i>	Mr P.F. McMahon



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ABBREVIATIONS

AANA	Australian Association of National Advertisers
ABAC	Alcoholic Beverages Advertising Council
ABT	Australian Broadcasting Tribunal
AFA	Advertising Federation of Australia
AFCO	Australian Federation of Consumer Organisations
APB	Australian Publishers' Bureau
ASC	Advertising Standards Council
CAD	Commercial Acceptance Division of the Federation of Australian Commercial Television Stations
FACTS	Federation of Australian Commercial Television Stations
FARB	Federation of Australian Radio Broadcasters
MCA	Media Council of Australia
ORS	Office of Road Safety
RACV	Royal Automobile Club of Victoria

RECOMMENDATIONS

The Committee recommends that:

1. the Office of Road Safety in conjunction with the Australian Broadcasting Tribunal and advertising industry representatives, develop a comprehensive advertising industry code relating to road safety for all sections of the media to be operational within six months of presentation of this Report. (paragraph 39)
2. if there is failure to agree on the contents of the code within six months, then the code should be finalised by the Office of Road Safety, and introduced by the Australian Broadcasting Tribunal to ensure that the code applies at least to the electronic media. (paragraph 39)
3. the working party developing the advertising industry code relating to road safety give particular consideration to advertising which may influence young people. (paragraph 42)
4. the Office of Road Safety, in conjunction with the Australian Broadcasting Tribunal, monitor the operation of the new code for a period of one year after its introduction and that this be the subject of a report to the Minister for Transport. (paragraph 43)
5. the Minister for Transport advise this Committee within fifteen months of the introduction of the new code of his assessment of the operation of the code. (paragraph 43)
6. the present Australian Broadcasting Tribunal television advertising standards be revised to extend the ban on alcohol advertisements between 6.00am and 8.30am to between 6.00am and 9.00am and between 4.00pm and 7.30pm to between 3.30pm and 9.00pm Monday to Saturday inclusive. (paragraph 56)

MAJOR FINDINGS AND CONCLUSIONS

- . Road safety is an important national issue and must be given full consideration by all sections of the media in the advertising of all products. (paragraph 38)
- . The Committee believes that some advertising displays a lack of understanding, or perhaps of concern, with the possibly damaging effects on road safety. (paragraph 5)
- . Advertisements which contain unsafe driving can have an effect on viewers particularly those who are impressionable or who already have a predisposition to behave irresponsibly on the road. People may be conditioned into a sub-conscious assessment that unsafe driving is less dangerous and more normal than it is. (paragraph 8)
- . The Australian Broadcasting Tribunal does not have detailed standards concerning road safety concerns in advertising, and the self-regulation codes are deficient from a road safety point of view. (paragraphs 17 and 38)
- . The Committee does not believe that the present piecemeal approach in the advertising codes is in the best interests of road safety. (paragraph 38)
- . A national road safety code for all products advertised in all media should be introduced by the industry as an expression of social responsibility. (paragraph 38)

Part of the reason for the extent of the drink-driving problem is the degree to which regular drinking has become entrenched in our society. If the extent of drink-driving is to be greatly reduced there must be a campaign to change social attitudes to alcohol consumption. (paragraph 44)

- Advertising is one of the factors which acts as an encouragement to alcohol consumption. No attempt to change community attitudes about alcohol consumption could ignore the need for further restrictions on advertising. (paragraph 51)
- Despite the stated target group or stated aim of alcohol advertisements, it is unrealistic to suggest that those advertisements do not appeal to young people who have not started drinking and do not act as an encouragement for the consumption of alcohol in general. (paragraph 52)
- The Committee considers it justifiable to further limit the advertising of alcohol on television. (paragraph 56)

In some instances there has been a tendency to apply the codes in an excessively legalistic sense that favours the advertisers. (paragraph 58)

Advertisements which glamorise unsafe driving ought to be considered socially irresponsible regardless of where they may have been filmed, and ought not to be excused by narrow legalistic interpretations of the codes. (paragraph 59)

The Committee supports the continuation of self-regulation in advertising provided that a comprehensive road safety code is introduced and satisfactorily enforced by the industry, and that other recommendations in this Report are also implemented fully. (paragraph 62)

- . The Advertising Standards Council needs to be, and to be seen to be, independent from industry dominance. Some members of the Council should be drawn from people with a more direct link with consumer interest groups. The Committee is firmly of the opinion that at least one member of the ASC should have an expertise in road safety matters. (paragraph 65)

- . Greater efforts should be made in future to inform the public of the content of the codes and procedure for lodging complaints. (paragraph 66)

- . There should be an automatic explanation of the reasons for decisions on complaints. A more complete public annual reporting of the details of complaints received, outcome of, and reasons behind adjudication on complaints is a similar necessary improvement to the self-regulation system. (paragraph 68)

- . The Committee supports the February 1981 recommendation of the Administrative Review Council, arising from its inquiry into Australian Broadcasting Tribunal procedures, that the Tribunal be given a wider range of powers to respond to breaches of broadcasting standards. (paragraph 70)

CHAPTER 1

INTRODUCTION

1. The fundamental importance of action to improve road safety is beyond question. One of the most urgent needs in this area is to improve driver attitude and behaviour. This is clearly an enormous task but one which must not only be undertaken but achieved. As one part of that task it is essential to avoid the promotion of negative influences on the attitudes of road users.

2. There are a number of factors which are important in influencing attitudes and behaviour. The media is one of those factors and it can be highly persuasive. Advertising by its nature is deliberately intended to be persuasive and that is an important distinction between it and other material presented in the media. The Committee therefore considers it justifiable to investigate the role of advertising in influencing driver attitude and behaviour as a separate issue from general programming material.

3. When one issue is singled out from many others for examination, the criticism can always be made that its importance is being exaggerated. Advertising is one factor among many in influencing community attitudes. The fact that it has been selected for investigation does not imply that it is the only or most significant factor. If the road toll is to be reduced every possible contributing factor must be addressed.

4. Particular advertisements were the subject of complaints to the Committee on the grounds that they encouraged either unsafe attitude or behaviour by drivers or passengers or the fitting of unsafe parts to vehicles. The Committee is particularly concerned at the development of road safety attitudes by the young, and the

influence that advertising may have on them. Fifty per cent of road deaths are people under twenty-five years of age. The Committee resolved to examine whether advertisements could have an adverse effect on road safety and, if so, what steps could be taken to correct that situation. The inquiry has involved examining the content of the various codes which relate to advertising to see whether road safety issues are given sufficient coverage and prominence. As well, the Committee has looked into the means by which advertising is monitored and the codes enforced. The inquiry has been only into the print and electronic media, in particular television, where advertising can be most penetrating in its use of imagery. Other forms of advertising, such as roadside hoardings, have not formed part of the inquiry.

5. A difficulty for the Committee in assessing the adequacy of advertising from a road safety point of view arises from the fact that many advertisements are concerned not so much with conveying facts, the truth of which may be verified or refuted, as with selling a product by surrounding it with a desirable image. Such advertising is designed to provoke a favourable emotional response while trying to encourage suspension of rational, critical analysis on the part of the target audience. The Committee believes that some advertising displays a lack of understanding, or perhaps of concern, with the possibly damaging effects on road safety.

EFFECT OF ADVERTISING ON DRIVER ATTITUDE AND BEHAVIOUR

6. The effect of advertising in any area is very difficult to research. It is impossible to say to what extent advertisements which show unsafe behaviour adversely affect drivers' attitudes and ultimately contribute to the road toll. The Committee heard evidence from several witnesses with an expertise in the behavioural sciences and advertising concerning this question. It is clear that many factors play a role in developing, changing and reinforcing

drivers' attitudes. The media provide us with information which may be misleading but which helps form our perceptions of what the world is like, what kind of behaviour is acceptable and whether particular behaviour may be free of risk or not. (1)

7. Several witnesses referred to dangerous and irresponsible driving portrayed on television programs, and to the fact that these negative influences are less subject to control and probably more harmful than advertising. (2) Programs which originated overseas were generally regarded as more blameworthy than those made in Australia. The point was made that to tighten controls on advertising without introducing similar controls over programs would have little effect on driver attitude. Despite this limitation, the Committee believes this would be a move in the right direction. A distinction can be drawn between advertising, the principal aim of which is to influence attitudes and behaviour, and programming material. In both cases, the Committee would urge those who produce and present such material to adopt a socially responsible position which takes into account the possible impact on the road toll. In its May 1982 Report, *Education, training and licensing of drivers*, the Committee recommended an inquiry by the Australian Broadcasting Tribunal into the influence on young people of television programs which glamorise the association of vehicles, alcohol and speed. The Committee understands that some preliminary steps have been taken to initiate such a study. We urge that the study be given a high priority both in the allocation of resources and in the urgency with which it is undertaken.

8. Advertisers must consider the view of reality being presented and the effect that this may have, not just on the mature, reasonable person, but on those who are impressionable or who already have a pre-disposition to behave irresponsibly on the road. Such people may be conditioned by displays of fast driving or manoeuverability or exciting stunts into a sub-conscious assessment

that that kind of activity is less dangerous and more normal than it is.⁽³⁾ Dr Rossiter, a marketing expert who gave evidence at the request of the Advertising Federation of Australia, although stating that he believed only a small percentage of the population might be so influenced to drive irresponsibly, volunteered that "even most advertisers would have to admit that in some commercials they are working on the fringe of depicting potentially dangerous behaviour".⁽⁴⁾

9. Evidence given by some industry representatives and those involved in the self-regulatory system implied a belief that if reasonable, mature people would be unlikely to be adversely influenced by behaviour in the advertisement, then there should be no objection.⁽⁵⁾ This ignores the possible impact upon the immature or impressionable who are precisely those of most concern in road safety. The car is a potentially lethal weapon. Many witnesses felt that if this image could be stressed it may help counter the 'fun' concept of a car which encourages socially irresponsible attitudes in some young people.

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1. Evidence, p381.
 2. Evidence, p524.
 3. Evidence, p383.
 4. Evidence, p493.
 5. Evidence, pp346, 415, 419.

CHAPTER 2

THE SELF-REGULATION SYSTEM

THE INDUSTRY STRUCTURE

10. In order to understand how the self-regulation system operates in the advertising industry, it is necessary to have some knowledge of the various industry organisations, their functions and how they relate to each other. There are three main groups within the industry - the advertisers, the advertising agencies, and the media. The Australian Association of National Advertisers (AANA) represents over 370 companies which advertise.⁽¹⁾ The Advertising Federation of Australia (AFA) represents the interests of over 240 advertising agencies.⁽²⁾

11. The situation in relation to the media is more complex. The Australian Publishers' Bureau (APB) represents magazine and newspaper publishers. Its members are: The Australian Newspapers Council; News Limited; Australian Accreditations Bureau; Australian Magazine Publishers' Association; Australian Provincial Press Association, and Regional Dailies of Australia. All advertisements for products which are subject to one of the industry's codes must be submitted to the APB for authorisation before publication by APB members. The Federation of Australian Radio Broadcasters (FARB) represents all the commercial radio stations in Australia. All radio commercials pre-recorded for use by more than one radio station have to be submitted to FARB for clearance through one of its Commercials Approvals Offices. The Federation of Australian Commercial Television Stations (FACTS) represents all of the commercial television stations. The Commercial Acceptance

Division (CAD) of FACTS is responsible for previewing all television commercials which are intended for use on more than one station and all television commercials which relate to products covered by the industry's codes.

12. In the Media Council of Australia (MCA) the main elements of commercial mass media are brought together. Its constituent membership consists of FACTS, FARB, and all the individual members of the Australian Publishers' Bureau. Affiliate members are: The Outdoor Advertising Association of Australia; Australian Suburban Newspapers Association Pty Ltd; Associated Rural Press of Australia; and the Australian Cinema Advertising Council.⁽³⁾ The MCA has responsibility for all the self-regulatory codes and, through the Australian Media Accreditation Authority, for the accreditation of advertising agencies. Three hundred and seven advertising agencies (1982 figures) are accredited to the MCA.⁽⁴⁾ All accredited advertising agencies are required to adhere to the self-regulatory codes.

13. In 1974 the MCA in association with the AFA and the AANA established a body which is central to the system of self-regulation in advertising. This is now called the Advertising Standards Council (ASC). Its prime function, as defined by the MCA, is:

to provide direct public access for complaints against offending material, as well as enabling public involvement in the amendment or the extension of the various self-regulation codes.⁽⁵⁾

The ASC acts as an adjudicator of complaints concerning alleged breaches of the industry's codes. Such complaints may be made directly to the ASC or on appeal against decisions made by individual media organisations. The ASC was set up under the chairmanship of Sir Richard Kirby, the former President of the Conciliation and Arbitration Commission. As devised by

Sir Richard Kirby, the ASC consists of five representatives chosen from, and by, the various branches of the industry, and five non-industry members chosen by the Chairman. The industry members are Mr B.A. Williams DFC (print media), Mr D. Morgan (television), Mr L.J. Hyle (radio), Mr B.D. Cormack (advertising agencies), and Mr J.L. Edwards (advertisers). The non-industry members are Mrs M. Coburn, Mrs J. Lashbrook, Miss B. Cuthbert MBE, The Hon Mr Justice Toose CBE, and The Hon Sir John Rossiter KBE.⁽⁶⁾ Biographical details of these members may be found in the ASC Sixth Report 1982, pp11-13. Members are chosen for three year terms.⁽⁷⁾

14. During 1982 the MCA established a Codes and Standards Authority to act as an advisory body on the implementation and development of the codes. In addition there are three advisory bodies which focus on the advertising of particular products. Of these, the Alcoholic Beverages Advertising Council (ABAC) is the one most relevant to this inquiry. In addition to representatives from the print, radio and television media - one of whom must be a member of the Codes and Standards Authority - ABAC has as its members, representatives from the Australian Wine and Brandy Producers Association, the Australian Associated Brewers, the Federated Wholesale Spirit Manufacturers Association, the AFA and the AANA.⁽⁸⁾

THE CODES

15. There are a number of Commonwealth and State laws and regulations which relate, in part at least, to aspects of the advertising industry. In the Commonwealth sphere two major pieces of legislation are the *Trade Practices Act 1974* and the *Broadcasting and Television Act 1942*.

16. The Trade Practices Commission which administers the Trade Practices Act is responsible for considering the operation of industry self-regulatory codes which may then be authorised if they

are in the public interest. It is currently examining the operations of the Commercial Acceptance Division of FACTS. The Commission has raised the possibility of a broad-ranging review of self-regulation in industry to see how codes can be improved in the interests of the consumer, and how a general understanding of the different self-regulation systems may be promoted throughout the community. This Committee endorses the aims of such a review, but believes that there are immediate improvements that should be made in the advertising system to assist road safety.

17. The Australian Broadcasting Tribunal (ABT) established under the Broadcasting and Television Act, has the authority to determine standards for the broadcasting of advertisements on the electronic media. Advertising in the print media is not similarly able to be regulated at a federal level. The ABT, after consultation with the industry, has set certain standards in relation to both broadcasting and television. *It does not have detailed standards concerning road safety concerns in advertising.* To a large extent the ABT has relied upon self-regulation within the industry to set, monitor and enforce standards, and has been generally satisfied with this method of operation.⁽⁹⁾

18. In the ABT's standards for broadcasting of advertising on radio, revised in 1981, there is a general requirement that advertisements shall comply with the laws of the Commonwealth. Advertisements for alcoholic liquor must comply with the Voluntary Code of Advertising Alcoholic Beverages drawn up by ABAC. Radio broadcasters are advised that particular attention needs to be paid concerning appropriate times for scheduling advertisements for alcoholic beverages.

19. The ABT is in the process of reviewing its television advertising standards. At present its television standards require that:

Advertisements for alcoholic liquor should be directed only to the adult audience; young people, whether children or adolescents, must not be allowed to participate in the presentation of these advertisements. No advertisement for alcoholic liquor should be televised in proximity to programmes for children or at times when the audience may be expected to include large numbers of young people. In particular such advertisements should not be televised between 6.00am and 8.30am or between 4.00pm and 7.30pm, Monday to Saturday inclusive, nor at any time on Sunday, Christmas Day or Good Friday. The foregoing provisions do not prevent the sponsorship of sporting events televised live on Saturday. The provisions of this sub-paragraph do not apply to sponsorship identification in the form of billboards or other forms of institutional identification which do not include a sales message for alcoholic liquor.⁽¹⁰⁾

20. The ABT has developed criteria concerning the nature of the audience and the percentage of children and teenagers likely to be viewing, compared with the total audience and the available child/teenage audience. *Difficulty has been experienced with the 7.30pm to 8.30pm time-slot when large numbers of the viewing audience are young people but the scheduling of alcohol advertisements is not prohibited.*⁽¹¹⁾ (See also Appendix 5.)

21. By a process of consultation between advertisers, agencies, the media and various government bodies, a number of industry advertising codes have been developed. There is a general Advertising Code of Ethics, whose emphasis is on truth and fair play in advertising. In relation to road safety the main requirement under this code is that "advertisements must comply with Commonwealth and State law".⁽¹²⁾ There are separate codes concerning the advertising of Goods for Therapeutic Use, Cigarettes, Alcoholic Beverages, Hair Piece/Treatment, Slimming Preparations, Treatments, Appliances, etc., Domestic Insecticide, and Standards for Mail Order Advertising. The code concerning the advertising of alcoholic beverages and the explanatory guidelines relating to the code are set out in full in Appendix 6.

22. The standards for advertising applied by the television industry contain specific references to motor vehicle advertisements:

- (1) It is essential that all driving regulations be observed by persons using vehicles being shown in commercials.
- (2) Demonstrating a group of vehicles travelling abreast on a road may be regarded as an infringement, unless a superimposition indicates the road was closed to traffic. In NSW roads within parks and reserves are covered by the same regulations as public roads. It is probable this may also apply in other States.
- (3) Over exuberant actions of youthful talent used in commercials may create the impression of irresponsible actions to a large section of viewers. Care needs to be given to the depiction of such scenes.
- (4) It is recognised that many light hearted scenes or scenes giving special demonstrations may be necessary in commercials. When associated with motor vehicles however, they could be troublesome.
- (5) In order to show that special care was exercised in the filming of such actions, as are depicted in (2), (3) and (4), it is desirable to use a superimposition indicating that it was undertaken under Police supervision, or under the supervision and authority of some other responsible organisation.
- (6) The shooting of actions on private property also does not justify the use of scenes which could be regarded as irresponsible. (13)

23. In addition, the FACTS recommended code of practice in relation to advertising directed to children deals in part with road safety. The following is the relevant extract:

Any situations in which children are to be seen in television advertisements should be carefully considered from the point of view of safety. The following codes do not apply to advertisements designed specifically to educate children in safe practices. In particular:

- (a) Children should not appear to be unattended in street scenes unless they are obviously old enough to be responsible for their own

safety; should not be shown playing in the road, unless it is clearly shown to be a play-street or other safe area; should not be shown stepping carelessly off the pavement or crossing the road without due care; in busy street scenes, should be seen to use the zebra crossings when crossing the road; and should otherwise be seen, in general, as pedestrians or cyclists to behave in accordance with the Highway Code.⁽¹⁴⁾

24. There is no code drawing together the diverse aspects which affect road safety. The MCA, like the ABT, is in the process of reviewing its standards. Both reviews have been fairly lengthy processes and are not yet completed.

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1. Exhibit 1, p2.
 2. *ibid.*
 3. Media Council of Australia: Fifteenth Annual Report, 1982, p2.
 4. Exhibit 8, p5.
 5. Evidence, p340.
 6. Exhibit 8, p13.
 7. Evidence, p297.
 8. Media Council of Australia: Fifteenth Annual Report 1982, pp4, 16, 29.
 9. Evidence, pp50 & 51.
 10. Exhibit 11, Attachment B.
 11. Evidence, p45.
 12. Evidence, p344.
 13. Exhibit 1, p44.
 14. *ibid.*, p47.

CHAPTER 3

ADVERTISING STANDARDS

CRITICISM OF CONTENT OF CODES (OTHER THAN ALCOHOL)

25. Comments from many witnesses supported the view that the content of some advertisements is of concern and that the self-regulatory codes are deficient from a road safety point of view. Points made included that there should be a separate road safety code in advertising, the present codes should be worded more clearly and precisely, and that advertisers were not sufficiently aware of road safety implications. The advertising of alcoholic beverages and the code governing such advertising attracted particular criticism and is dealt with separately. A summary of some of the evidence given relating to other road safety aspects in advertising follows.

26. *The Traffic Authority of New South Wales* stated that it had been concerned for some time about the effects of advertisements on road user behaviour.⁽¹⁾ A panel had been formed by the Authority to assess recent television commercials from a road safety point of view, consisting of the following:

- . an inspector of the New South Wales Police Traffic Branch;
- . an officer from the New South Wales Department of Motor Transport's Legal Section;
- . an officer from the Department of Motor Transport's Mechanical Engineering Section;
- . a project officer of the New South Wales Health Commission's Drug & Alcohol Information Unit;

- . a senior lecturer in Mass Communication at Macquarie University, and
- . three behavioural scientists from the Communications Research Section of the Traffic Authority of New South Wales Traffic Accident Research Unit.

Thirty-six advertisements were viewed which covered mainly motor vehicles, but also some other consumer products. The panel reported 101 separate breaches of the FACTS codes. Only 4 of the 36 commercials were passed as entirely acceptable.⁽²⁾ The Traffic Authority's submission to both the Trade Practices Commission and to this Committee was that there are deficiencies in the FACTS rules and guidelines and that those rules and guidelines are not being properly enforced.⁽³⁾ The Authority emphasised that:

The potentially lethal road environment demands high skills, responsibility, prudence and caution. This should always be depicted in television commercials.⁽⁴⁾

The necessary road safety effort includes media responsibility in setting good examples whenever portraying driving and traffic-related situations. In television commercials there should be no content portraying illegal or irresponsible actions. There should be no challenge to viewers to undertake exciting feats where the risk of accident might be increased. There should be no sequences where expert drivers, specially prepared vehicles or special audio and visual effects could convey a false impression of security regarding the capability of normal drivers and normal vehicles. This applies equally to 'factual', fun and fantasy sequences in commercials.⁽⁵⁾

27. As the Traffic Authority expressed it, the FACTS rules need to be more plainly stated, objective, unconditional and unambiguous. In addition, all advertisements which depict road or motor vehicle use, regardless of the type of product or service being advertised, should be subject to road safety rules and these rules should apply to all media, not just to television.⁽⁶⁾ Included in the Traffic Authority's evidence were suggested revisions of the self-regulatory

codes concerning Motor Vehicles and Accessories, Alcoholic Beverages, Therapeutic Goods, Advertising directed at Children, and Other Goods and Services.⁽⁷⁾ The Committee has endorsed many of these recommendations and quoted from them later in this Chapter. (See p20.) The suggested revised codes have been submitted to the Media Council of Australia for consideration in its present review. The Traffic Authority has indicated that if, in its opinion, the self-regulatory process continues to be unsatisfactory, then it will seek to intervene directly.⁽⁸⁾

28. Witnesses from the *Office of Road Safety (ORS)*, while stating that "considerable responsibility appears to be exercised in advertising, particularly of motor vehicles",⁽⁹⁾ were of the opinion that undesirable advertising did appear from time to time. The witnesses felt that perhaps one in four television advertisements contained unsatisfactory aspects.⁽¹⁰⁾ They also were concerned that people preparing the advertisements were not sufficiently aware of the road safety implications.⁽¹¹⁾ The codes themselves were seen to be deficient in that they did not necessarily prohibit aspects of advertising which the *Office of Road Safety* found objectionable.⁽¹²⁾ Four categories of advertisements were identified which impinged on road safety. These were:

- . the advertising of products which, if fitted to vehicles, could result in unsafe or illegal operation;
- . the advertising of products which may not be of suitable quality, because of poor durability;
- . advertisements which showed unsafe driver, passenger, or pedestrian practices, and
- . advertisements for products, such as alcohol or drugs, which affect the physiology of road users.

29. The advertising and supply of unsafe replacement parts for vehicles prompted the Australian Transport Advisory Council to

establish a task force to examine how to prevent the sale of such parts.⁽¹³⁾ The Trade Practices Act may provide means for taking action but this is an untested area. Difficulties are also created by the lack of complete standards for individual component parts and the expense of demonstrating whether parts meet the standards.⁽¹⁴⁾

30. The Office of Road Safety felt that a "road safety advertising code for good practice", drawn up by road safety experts may be desirable.⁽¹⁵⁾ A principle point in such a code should address the problem of driving styles, including excessive speed, which could be dangerous if emulated by less expert drivers. The preferred aim should be to eliminate negative modelling from advertisements, although there could be difficulties in achieving this completely.

31. Other witnesses and submissions supported the development of standards for all advertisements to take account of road safety. These included the *Road Safety Council of the ACT*⁽¹⁶⁾ and the *Victorian Government* who suggested that road safety organisations should be involved in the development of advertising standards and in maintaining them.⁽¹⁷⁾ Mr Yeaman, the Executive Director of the Road Safety Council of the ACT, made references to stunt driving displays by motor cyclists in advertisements,⁽¹⁸⁾ the use of speed as a selling point for motor vehicles,⁽¹⁹⁾ and advertisements for products such as stereo headsets showing people riding bicycles while wearing them,⁽²⁰⁾ as indications that better advertising standards were required. The Road Safety Council of the ACT called for a greater role for the Office of Road Safety with power to suspend publication or broadcast of offending advertisements.⁽²¹⁾

32. Further examples of advertisements which were felt to be contrary to road safety interests were brought to the Committee's attention by the *Road Safety Council of the Northern Territory*, Mr R. Smith from Victoria and Mr M. Arnett from New South Wales. The Road Safety Council of the Northern Territory had brought a number of advertisements to the attention of the Advertising Standards Council with varying degrees of success.⁽²²⁾ Mr Smith referred to the need for more detailed guidelines and some central authority where advertisers could obtain advice about road safety aspects.⁽²³⁾ He was particularly

concerned about a particular motor vehicle advertisement shown on television which involved a bank robbery get-away vehicle in a car chase through city streets.⁽²⁴⁾ Mr Smith also spoke about the need for advertisers to consider the positive influence they could have. For example, some television advertisements have shown, in an incidental way, children riding bicycles on the road. These advertisements could help community attitudes if the children were wearing helmets.⁽²⁵⁾

33. Mr Arnett's evidence concerned a newspaper advertisement for a certain brand of tyre. The advertisement stated that the particular wide radial tyres could be fitted to a range of vehicles without the need for a change of wheel. Mr Arnett argued that to do as the advertisement suggested for some vehicles could cause a dangerous distortion of the tyre and possible collapse while being driven.⁽²⁶⁾ The Committee referred this particular advertisement to the Office of Road Safety for investigation by the Australian Transport Advisory Council. It had also been brought to the attention of the Trade Practices Commission.

34. The *Australian Federation of Consumer Organisations (AFCO)*, the peak council of the Australian consumer movement, mentioned several specific deficiencies in the existing standards for advertising motor vehicles. These included a need to eliminate unnecessary emphasis on speed in advertisements and a prohibition on the use of adolescent role models, such as sporting or 'pop' stars in advertisements in which vehicles are driven at speed or with unusual skill or daring.⁽²⁷⁾ However, AFCO considered that the problem lay more with monitoring and enforcement, and that re-writing of the codes would not be the highest priority. Detailed suggestions for improvements to the system of self-regulation were provided. These are considered in Chapter 5 of this Report.

35. The submission from the *Royal Automobile Club of Victoria (RACV)* expressed the opinion that the codes themselves were quite adequately and responsibly framed. Any difficulties arose as a matter of their operation and interpretation in practice. The

question of the means of implementing the codes is examined in more detail later in this Report. However, two types of advertising techniques were said to be of concern from a road safety viewpoint. The first was 'image advertising' - selling goods and services through images rather than verifiable facts. The second was 'modelling' - the use of role models, from whom others learn particular responses or forms of behaviour. Both of these can affect the attitudes and behaviour of the more impressionable. The RACV felt that those involved in making advertisements which could have road safety implications should seek the advice of road safety experts when the advertisements are being produced.⁽²⁸⁾

INDUSTRY ATTITUDES

36. The general position taken by witnesses from within the industry and by those involved in the self-regulation bodies was that the existing codes were adequate and there was no need for a separate road safety code.⁽²⁹⁾ These witnesses pointed to the small number of complaints received in recent years by the Advertising Standards Council about road safety matters - two out of a total of 198 in 1982.⁽³⁰⁾ Only one submission that referred to road safety was received by the Media Council of Australia in the current review of its codes.⁽³¹⁾ It was argued that since there were few complaints advertisements being used must be satisfactory from a road safety point of view. If there were problems with some advertisements the industry expressed its willingness to consult and co-operate with road safety bodies about them.⁽³²⁾ Mr D. Morgan, the General Manager of FACTS, stated that neither FACTS nor the MCA believed the codes were immutable. Some were quite outdated and the current MCA review was intended to reform them.⁽³³⁾

37. It was also claimed that calls for a road safety advertising code are based on an exaggerated assessment of the possible impact of advertisements.⁽³⁴⁾ The use of creativity and fantasy

in advertising was defended as an essential element in advertising. One witness rejected the notion that advertisers should be encouraged to include positive road safety aspects in advertisements on the grounds that it is unreasonable to expect them to take on the task of social reformers.⁽³⁵⁾

NATIONAL ROAD SAFETY CODE

38. Road safety is an important national issue and must be given full consideration by all sections of the media in the advertising of all products. At present, as described in Chapter 2, road safety is dealt with specifically in the codes covering advertising of motor vehicles on television, as parts of the FACTS code concerning advertising directed at children, and as part of the media-wide alcoholic beverages advertising code. Road safety is not dealt with specifically in other forms of advertising and is only covered by the clause in the general code of ethics that "advertisements must comply with Commonwealth and State law". *The Committee does not believe that this piecemeal approach is in the best interests of road safety. Nor does it ensure that those interests will be brought to the forefront of consideration by advertisers. Advertisers whenever possible should promote positive road safety images rather than merely avoid blatant negative ones. The Committee believes that a national road safety code for all products advertised in all media should be introduced as an expression of social responsibility by the industry.*

39. The Committee considers that the low number of complaints received by the ASC, or by the ABT, is not necessarily an indication that there is no problem. Perception by the public of negative images in advertising is not the best criterion for judging the extent of the problem. The often subtle conditioning of attitudes in the community or the reinforcement of undesirable or irresponsible attitudes is what is of concern. There is a belief

among road safety experts that the present situation should be improved. One way of doing this is to develop a better road safety code. The Committee recommends that:

- . THE OFFICE OF ROAD SAFETY IN CONJUNCTION WITH THE AUSTRALIAN BROADCASTING TRIBUNAL AND ADVERTISING INDUSTRY REPRESENTATIVES, DEVELOP A COMPREHENSIVE ADVERTISING INDUSTRY CODE RELATING TO ROAD SAFETY FOR ALL SECTIONS OF THE MEDIA TO BE OPERATIONAL WITHIN SIX MONTHS OF PRESENTATION OF THIS REPORT.
- . IF THERE IS FAILURE TO AGREE ON THE CONTENTS OF THE CODE WITHIN SIX MONTHS, THEN THE CODE SHOULD BE FINALISED BY THE OFFICE OF ROAD SAFETY, AND INTRODUCED BY THE AUSTRALIAN BROADCASTING TRIBUNAL TO ENSURE THAT THE CODE APPLIES AT LEAST TO THE ELECTRONIC MEDIA.

CONTENT OF THE CODE

40. In drawing up the new road safety code the working party should incorporate the following concepts:

- . there should be a clearer and more detailed statement of the need for advertisers of any product to take account of the possible impact on the most impressionable viewers of the use of motor vehicles or bicycles in their advertisements;
- . considerable care should be taken that advertisements do not emphasise the speed of vehicles, and with the interspersing of film of racing track or other off-road locations, showing tight manoeuvring or high speed, with on-road sequences, and

- . advertising for sale, parts for motor vehicles which it is illegal to fit or use in motor vehicles should be prohibited.

41. The new code should not be just an amalgamation of all present references to road safety in other codes. The code must be strong from a road safety point of view and unambiguous. The Committee endorses many of the recommendations for changes to the existing codes suggested by the Traffic Authority of New South Wales *and recommends that these be considered by the working party developing the new code.* The Committee *particularly recommends* consideration be given to the following rules relating to motor vehicle advertising:

- . except for educational purposes, it is essential that all road users and vehicle operators clearly observe traffic regulations;
- . over-exuberant actions of road users and vehicle operators may create the impression of irresponsible actions to a large section of the audience. Such actions should not be associated with vehicles or road use;
- . it is recognised that lighthearted situations or scenes giving special demonstrations may be useful in some advertisements. When associated with vehicle or road use, such content should not present actions which might be dangerous if emulated or which conflict with any of the above rules, and
- . the representation of actions on private property does not justify the use of scenes which conflict with the other rules in the code or which could be regarded as irresponsible. ⁽³⁶⁾

The Traffic Authority of New South Wales also suggested the

following additions to the code, and the Committee recommends that the working party consider these when developing the new code:

- . the code should apply to all advertisements which include bicycles, motor vehicles (including motor cycles), traffic, or road use (including pedestrians), and also to associated accessories, parts, and services;
- . the code should apply both when the products or services concerned are being promoted and when used incidentally as props or as settings;
- . except for educational purposes, alcohol must not be associated, explicitly or by implication, with vehicles or with road use;
- . actions and demonstrations should not require any special skill and should be within the performance level of any driver or rider licensed to operate the vehicle presented, and
- . in addition to the requirement that motor cyclists and pedal cyclists comply with traffic regulations, they should be shown to use sturdy footwear and make themselves conspicuous through the use of bright clothing. Pedal cyclists should wear approved helmets and use safety flags. (37)

INFLUENCE ON YOUNG PEOPLE

42. Special care needs to be taken in advertisements which may influence young people, particularly those directed at, or which include children. When developing the new code consideration should be given to inclusion of an expanded version of rule 10(a) of the FACTS code relating to advertising directed at children.

The expanded rule should include encouragement of the wearing of helmets and sturdy footwear when riding bicycles. The Committee recommends that:

THE WORKING PARTY DEVELOPING THE ADVERTISING INDUSTRY CODE RELATING TO ROAD SAFETY GIVE PARTICULAR CONSIDERATION TO ADVERTISING WHICH MAY INFLUENCE YOUNG PEOPLE.

MONITORING THE CODE

43. The Committee considers it essential to closely monitor the early period of operation of the new code to ensure it is working effectively. Two aspects will need to be examined: whether the content of the code proves to be satisfactory, and whether the code is being implemented in spirit. The Committee recommends that:

- . THE OFFICE OF ROAD SAFETY, IN CONJUNCTION WITH THE AUSTRALIAN BROADCASTING TRIBUNAL, MONITOR THE OPERATION OF THE NEW CODE FOR A PERIOD OF ONE YEAR AFTER ITS INTRODUCTION AND THAT THIS BE THE SUBJECT OF A REPORT TO THE MINISTER FOR TRANSPORT.
- . THE MINISTER FOR TRANSPORT ADVISE THIS COMMITTEE WITHIN FIFTEEN MONTHS OF THE INTRODUCTION OF THE NEW CODE OF HIS ASSESSMENT OF THE OPERATION OF THE CODE.

The Committee gives notice that, if the new code is not having the desired effect, its content may need to be further strengthened, or more direct enforcement of the code may need to be introduced.

1. Evidence, p177.
2. Evidence, p206.
3. Evidence, p197.
4. Evidence, p201.
5. Evidence, p200.
6. Evidence, p190.
7. Evidence, p183-189.
8. Evidence, p181.
9. Evidence, p4.
10. Evidence, p10.
11. Evidence, p5.
12. Evidence, p6.
13. Evidence, p8.
14. Evidence, pp7 & 14-17.
15. Evidence, p10.
16. Evidence, p136.
17. Evidence, p673.
18. Evidence, p147.
19. Evidence, p137.
20. Evidence, p142.
21. Evidence, p666.
22. Exhibit No. 3.
23. Evidence, p498.
24. Evidence, p497.
25. Evidence, p500.
26. Evidence, p433.
27. Evidence, p105.
28. Evidence, p628.
29. Evidence, pp86, 319, 345, 459, 475.
30. Evidence, p345.
31. Evidence, p347.
32. Evidence, pp377, 425.
33. Evidence, p400.
34. Evidence, pp71, 346, 412.
35. Evidence, p88.
36. Evidence, pp183 & 184.
37. *ibid.*

ADVERTISING OF ALCOHOLIC BEVERAGES

44. The consumption of alcoholic beverages is a widespread and accepted part of our society. There are a multitude of social pressures encouraging the young to start drinking as a regular practice, and encouraging those who already drink to continue to do so. The health problems of excessive drink are not within this Committee's terms of reference, but we are strongly concerned with the relationship between alcohol consumption, drink-driving and the high road toll. Alcohol is a factor in 50% of crashes involving a fatality,⁽¹⁾ and 50% of road fatalities are people under 25 years of age.⁽²⁾ The Committee believes that part of the reason for the extent of the drink-driving problem is the degree to which regular drinking has become entrenched in our society. If the extent of drink-driving is to be greatly reduced there must be a campaign to change social attitudes to alcohol consumption.

45. There was criticism from witnesses about some advertisements which appeared to glamorise alcoholic beverages because of the possible influence on young people. One advertisement for a new higher strength beer was mentioned as promoting a masculine image in a way likely to appeal to young men.⁽³⁾ Some witnesses objected to advertisements which used role models such as sportspersons likely to appeal to young people on the grounds that they were outside the spirit of the Alcoholic Beverages Advertising Code.⁽⁴⁾ The Aboriginal Development Commission called for a new code to be drawn up by a Government appointed body. The new code, among other things, would further limit 'lifestyle advertising' and the use of famous personalities to promote alcoholic beverages.⁽⁵⁾

46. The Committee is concerned with those parts of the code which relate to the association of alcohol consumption with companionship and social success or distinction. Under the industry code, it is quite legitimate for advertisements to "reinforce the pleasure of companionship and social communication, associated with alcoholic beverages consumption". Even with the proviso that such consumption "should reflect people drinking responsibly in natural situations" advertisements which attempt to do that cannot help but be an encouragement for the consumption of alcohol. The Committee is also concerned that most venues shown are ones to which people usually drive. Rule 6 of the code states that "advertisements should not imply that success or social distinction is due to drinking". (See Appendix 6.) This does not seem to have outlawed advertisements which show people who have, or who appear to have, achieved success or distinction enjoying particular drinks. Such advertisements cannot avoid implying that if one wishes to emulate the success or distinction of such people or identify with them, then one should drink alcohol. Indeed, if advertisers did not believe this, they would not invite celebrities to sponsor their products. As stated in one submission to the Committee:

The difference between a 'causative link' and an 'association' between drinking and the success, adventure, sophistication and achievement shown in advertisements, can often be a very fine distinction and one which may not be perceived by the young. Indeed it could be argued that the finer this distinction the greater the success of advertising in promoting increased consumption of alcohol among the young.⁽⁶⁾

47. It would not be realistic to expect the code to be amended to totally prohibit the use of successful people in alcohol advertisements. Such a prohibition could be easily overcome in effect by using unknown actors to portray successful role model types. The Committee believes that the implication that success or social

distinction is due to drinking would remain no matter what revisions are made to the code.

48. In relation to one aspect of the code an improvement is needed and could be implemented with success. The Traffic Authority of New South Wales claimed that some advertisements included depictions of both alcohol and motor vehicles together, and called for a change to Rule 9 of the Code to ban any such association in advertisements for all products.⁽⁷⁾ As indicated in Chapter 3 of this Report the Committee recommends that this point be taken up in the new road safety advertising code.

49. The Committee is encouraged by the already widespread community concern about drink-driving and advertising of alcohol. A number of witnesses called for a total ban on television advertisements for alcohol. The Commissioners of the Aboriginal Development Commission recommended an Australian Government ban on:

... the advertising of alcoholic beverages, whether by way of corporate advertising or by exhibiting brand names of such beverages in a planned fashion, on television and in areas under direct Commonwealth control.⁽⁸⁾

The Australian Federation of Consumer Organisations favoured a total ban on advertising of alcoholic beverages.⁽⁹⁾ The Road Safety Council of the ACT called for the total abolition of television advertising of alcohol. The Council recommended that a ban remain in force for a period of not less than four years, and that a road safety authority be commissioned to evaluate any correlation between the ban and road crashes.⁽¹⁰⁾ The Council has been supported in its call for a ban by various community groups including Lions Clubs, and the National Council of Women. Other witnesses calling for a total ban of television advertisements for alcohol included the Queensland

Temperance League,⁽¹¹⁾ and welfare officers from two Victorian community health centres.

50. The Road Trauma Committee of the Royal Australasian College of Surgeons, although recommending a total ban in 1978, now considers other action to be more effective in reducing alcohol consumption:

Our view has been recently modified and at this stage in Australian cultural development, it seems to us more appropriate at least in the first instance to seek improved community understanding of the health hazards of excessive alcohol consumption including those related to road safety.⁽¹²⁾

The Road Trauma Committee favoured the restriction of alcohol advertisements to adult viewing times, and suggested later than 9.00pm daily. The Australian Consumers' Association, although supporting a total ban, considered it "unrealistic for such a change to come about in the short term, and as an interim measure ... recommended that no advertisements for alcohol be screened before 9.00pm".⁽¹³⁾ A number of surveys have indicated considerable community support for banning alcohol advertisements. A recent survey by the ABT indicated that 33% of those surveyed supported a total ban with a further 45% in favour of restricted items.⁽¹⁴⁾ The Australian Advertising Industry Council commissioned a survey of public attitudes in 1980 in which 36% of respondents agreed that the advertising of alcoholic drinks on television "should be totally banned from 7.30pm to midnight".⁽¹⁵⁾

51. A number of arguments are put by those who oppose greater limits on the times during which advertisements for alcoholic beverages may be shown on television. The principal argument is that there is not sufficient evidence to conclude that advertising affects the per capita level of alcohol consumption or the incidence of drink-driving.⁽¹⁶⁾ A number of overseas studies were referred to, some of which purported to demonstrate that there was no evidence of a link and others which claimed the opposite.⁽¹⁷⁾

The point was made that growth in per capita consumption of alcohol in Australia slowed down markedly in the mid-1970s and consumption has remained steady since 1977, despite increases in the amount spent on advertising - \$5.7m in 1970, \$10.2m in 1975, \$26.1m in 1980. ⁽¹⁸⁾ The Committee does not accept this as proof that advertising has no effect on consumption levels. It is highly likely that advertising plays a role in maintaining the level of consumption in what may temporarily be a saturated market. It is clear that advertising is one of the factors which acts as an encouragement to alcohol consumption. What is not clear is the extent of its impact. However, no attempt to change community attitudes about alcohol consumption could ignore the need for further restrictions on advertising.

52. The claim of the alcoholic beverages industry is that advertising is directed at people who already drink, and its purpose is to encourage those people to change their kind or brand of drink. Therefore, the industry argues, they are neither encouraging the young to start drinking nor encouraging consumption of alcohol per se among existing drinkers. Despite the stated target group or stated aim of alcohol advertisements it is unrealistic to suggest that those advertisements do not appeal to young people who have not started drinking and do not act as an encouragement for the consumption of alcohol in general.

53. An additional argument presented is that programming material is a far greater negative influence than advertising and further limits on advertising will still leave children exposed to programs. This argument points out that programs occupy far more time than advertisements and standards relating to them are far more lenient. The Committee accepts that television programs may present role models which could encourage increased consumption of alcohol. That in itself is not an argument for not attempting to further control

the negative influences of advertising. It is, however, an indication that there are many sources of negative influences and that easy or quick solutions cannot be expected. As mentioned earlier in this Report, an inquiry to be initiated by the ABT will address these issues.

54. One submission called upon the Australian Government to develop a comprehensive policy to deal with alcohol abuse including "the objective of bringing about an overall reduction in the consumption of alcohol and associated problems".⁽¹⁹⁾ The Committee favours the development by the Government of a comprehensive policy to deal with all the problems of alcohol abuse. These problems are revealed in many ways other than drink-driving. The Committee believes, as stated earlier, that the abuse of alcohol is a reflection of social attitudes to alcohol consumption. To change those attitudes will require Government action in several areas outside the terms of reference of this Committee.

55. The Committee accepts that advertisements for alcohol do not directly encourage drink-driving. Current alcohol advertisements do not directly associate drinking with driving, nor do they specifically encourage drinking to excess. The Committee is also aware that the alcohol industry has made a significant effort to make these advertisements more socially responsible in recent years. However, the Committee is concerned with the more fundamental problem of the relationship between alcohol consumption and drink-driving. The Committee believes alcohol advertisements lead to increased consumption of alcohol, which is likely to aggravate an already serious drink-driving problem. The Committee does not believe that a tightening-up of the Alcoholic Beverages Code will provide an adequate solution to this problem. It is necessary to limit the exposure of young people to alcohol advertising particularly on television if social attitudes to alcohol consumption are to be changed.

56. According to evidence provided by the ABT, an average of over 50% of people in the 5-17 age group in Sydney and Melbourne are watching television at 7.00pm on Monday to Friday nights. That figure drops to 45% at 8.00pm, 25% at 9.00pm, and just below 15% at 9.30pm. (See Appendix 5.) The Committee believes that advertising influences the development of social values relating to lifestyle particularly in the young, and considers it justifiable to further limit the advertising of alcohol on television. *The above figures demonstrate that there are large numbers of young people viewing television in so-called adult viewing times.* The A0 classification begins at 8.30pm. The present ABT standards, described in Chapter 2, provide that advertisements for alcoholic beverages should not be televised in proximity to programs for children, or at times when the audience may be expected to include large numbers of young people. In particular, such advertisements should not be televised between 6.00am and 8.30am or between 4.00pm and 7.30pm, Monday to Saturday inclusive, nor at any time on Sunday, Christmas Day or Good Friday. Sponsorship of sporting events televised live on Saturday is permitted.⁽²⁰⁾ The Code also provides that advertisements for alcoholic beverages shall be directed only to adult audiences. The Committee recommends that:

THE PRESENT AUSTRALIAN BROADCASTING TRIBUNAL TELEVISION ADVERTISING STANDARDS BE REVISED TO EXTEND THE BAN ON ALCOHOL ADVERTISEMENTS BETWEEN 6.00AM AND 8.30AM TO BETWEEN 6.00AM AND 9.00AM AND BETWEEN 4.00PM AND 7.30PM TO BETWEEN 3.30PM AND 9.00PM MONDAY TO SATURDAY INCLUSIVE.

57. It has been argued that further restricting the hours during which alcohol advertisements may be shown on television ignores the side effect that there will be a heavier concentration of such advertisements during the remaining hours. If such an effect were to occur, it may be necessary to further regulate the number of minutes per hour allowable for such advertisements.

1. House of Representatives Standing Committee on Road Safety Report, May 1980, p(ix).
2. Australian Bureau of Statistics, Canberra, Catalogue No. 9405.0 Sept & Dec Quarters 1982, p13.
3. Evidence, pp29-31.
4. Evidence, pp112, 147 & 282.
5. Exhibit 10, p36.
6. Evidence, p574.
7. Evidence, pp212, 240 & 241.
8. Exhibit 10, p35.
9. Evidence, p124.
10. Evidence, pp138-9.
11. Exhibit 12, p2.
12. General Evidence, p729.
13. Evidence, p285.
14. Exhibit 11, Attachment B, p4.
15. ibid.
16. Evidence, p629.
17. Evidence, pp350-1 and Exhibit 10, p8.
18. Exhibit 9, p10.
19. Exhibit 10, p35.
20. Exhibit 11, Attachment B, p2.

CHAPTER 5

MONITORING AND ENFORCEMENT

INTERPRETATION OF CODES

58. Many of the complaints presented to the Committee concerning deficiencies in the codes relate also to perceived failings in their interpretation. The application of the codes, which are often worded in fairly general terms, to specific advertisements requires subjective judgements. *The Committee believes that in some instances there has been a tendency to apply the codes in an excessively legalistic sense that favours the advertisers.* There may well be other instances in which advertisers could claim the code has been applied too strictly against them and very expensively produced advertisements have never been allowed to appear. Evidence to that effect was not presented.

59. Examples were brought before the Committee of a decision by the ASC on certain complaints by the *Road Safety Council of the Northern Territory*.⁽¹⁾ The complaints were dismissed on the basis that the complainant had not proved that the particular advertisements were filmed on a public road. Without making a judgement on the merits of these particular complaints, the Committee is concerned at where the onus of proof should lie in such cases. When the objection to particular advertisements is that they illustrate undesirable practices from a road safety point of view, the defence that the sequences were not filmed on public roads should not be allowed if the location is not immediately obvious. Even if the off-road location is clearly apparent that should not provide an

automatic defence to a complaint that the advertisement is undesirable. Advertisements which glamorise unsafe driving ought to be considered socially irresponsible, regardless of where they may have been filmed, and ought not to be excused by narrow legalistic interpretations of the codes. The ABT referred to another advertisement which showed motor bikes being used by riders without helmets. FACTS (CAD) authorised the advertisement on the grounds that it was filmed on private property where it is not illegal to ride without helmets and that there was no dangerous riding. The ABT upheld the decision by FACTS.⁽²⁾ The interpretation of the code may be correct in a legalistic sense without serving the interest of promoting road safety.

60. Mr Morgan from FACTS referred to a recent television advertisement which showed a large number of young people being placed in the back of a station wagon. A complaint was lodged that the advertisement was undesirable from a road safety viewpoint. The ASC dismissed the complaint on the apparent basis that the car was clearly stationary and the demonstration was a lighthearted way of emphasising the room inside the vehicle.⁽³⁾ The Committee accepts that the advertisement was not intended as an inducement for people to overload vehicles or to allow their children to ride in the back of station wagons without seat belts. However, such dangerous practices do occur and to illustrate them in a lighthearted way as a promotion technique does not encourage socially responsible attitudes. The adoption of a comprehensive road safety code should ensure that advertisers and the bodies which monitor and enforce the system of self-regulation place greater weight on the road safety implications of their work.

61. The general opinion among witnesses was that, provided self-regulation could be made to work properly, it was the best means of governing the activities of the advertising industry. The principal dissenting witness on this point was Mr Asher of the *Australian*

Consumers' Association. The view of the Australian Consumers' Association was that self-regulation served mainly to deflect criticism that ought properly to be levelled at advertisers.⁽⁴⁾ The Association had monitored all commercials screened on Sydney television stations for a week and claimed that there were 134 breaches of the various codes.⁽⁵⁾ Mr Asher was critical of the Australian Broadcasting Tribunal as well as the monitoring and enforcement bodies of the industry itself.⁽⁶⁾ He claimed that since there was a failure of regulatory bodies to take action for breaches of the law the Australian Consumers' Association in the previous 18 months had taken successful legal action itself on 14 occasions.⁽⁷⁾ The breaches referred to by Mr Asher did not necessarily involve road safety matters.⁽⁸⁾

62. The Committee supports the continuation of self-regulation in advertising provided that a comprehensive road safety code is introduced and satisfactorily enforced by the industry, and that other recommendations in this Report are also implemented fully.

ROLE OF ROAD SAFETY AND PUBLIC INTEREST GROUPS

63. *The Road Safety Council of the ACT* suggested that the Office of Road Safety ought to have a role as the peak body on road safety advertising, in liaison with a media or advertising body, and subject to appeal to the courts. They suggested that the Office of Road Safety ought to have the power to "suspend publication or broadcast of an advertisement deemed to offend road safety standards".⁽⁹⁾ Both the *Royal Automobile Club of Victoria*⁽¹⁰⁾ and the *Office of Road Safety*⁽¹¹⁾ saw merit in advertisers being able to seek advice or clearance from a road safety authority before finalising advertisements which may affect road safety. The *Traffic Authority of New South Wales* favoured the establishment of a number of committees to advise the industry regulatory bodies. These

committees would have Federal and State Government representatives as well as consumer/community and industry representatives.⁽¹²⁾

The *Australian Federation of Consumer Organisations* argued that nominees from outside industry, preferably from the consumer movement, should participate in the bodies which monitor advertisements or else direct regulation would become the only alternative.⁽¹³⁾ It was stated that nominees from the organised consumer movement should be involved at the second stage of monitoring - that is, on the body which reviewed the more difficult decisions. Involvement at the basic clearance stage should not be necessary since most advertisements would be unobjectionable. The *Australian Consumers' Association* called for strong consumer organisation and government representation on the Media Council itself.⁽¹⁴⁾ The point was made that a system of individuals chosen from the public, as public representatives, who did not have the backing of organised community or consumer groups, was not an acceptable substitute.

64. The principal objection raised to representation of road safety and other groups on the bodies which enforce the codes was the practical difficulty of deciding which organisations should be included and which should not. The regulatory bodies could become quite unwieldy as a result. A further consideration was that people should be free to present their own views and not constrained by the need to account to particular outside groups.⁽¹⁵⁾ Mr Long, the Federal Director of AANA assured the Committee that the industry members on the ASC were regarded as nominees from, rather than representatives of, their respective organisations.⁽¹⁶⁾ The industry expressed its willingness to consult with road safety experts on an on-going basis and to give full consideration to their suggestions for improvements.⁽¹⁷⁾

65. Recommendations are set out in Chapter 3 concerning the

role of the Office of Road Safety in helping to draft a new road safety code and in monitoring its operations, particularly for the first twelve months. *The Committee also believes that the ASC needs to be, and to be seen to be, independent from industry dominance, otherwise its integrity may too easily be called into question.* Without implying criticism of the present non-industry members of the ASC, the Committee believes it would be better if some members, in future, were drawn from people with a more direct link with consumer interest groups - for example, the Australian Federation of Consumer Organisations. The Committee is firmly of the opinion that one member, at least, of the ASC, should have an expertise in road safety matters.

INFORMATION FOR THE PUBLIC

66. The complexity of the regulation system was claimed to be a disincentive to those who wanted to complain about advertising. The need for a better information flow to the public about the content of the codes and the way the complaints system worked was indicated by a number of organisations, including the *Royal Automobile Club of Victoria*,⁽¹⁸⁾ the *Office of Road Safety*,⁽¹⁹⁾ and the *Australian Federation of Consumer Organisations*.⁽²⁰⁾ One suggestion was for the various bodies involved in self-regulation to produce a comprehensive and indexed guide to advertising codes which would indicate the appropriate body to complain to in each case and the obligations of recipients of complaints to refer those on to other bodies within the self-regulation system.⁽²¹⁾ The Committee is aware of the two publications produced by the industry - *Self-Regulation in Australian Advertising* and *The Structure and Procedures of Advertising Self-Regulation* - which are attempts to provide much of that information. There has also been a recent publicity campaign through the media.⁽²²⁾ From the evidence the Committee believes the public is not aware of the self-regulation system but the industry does not fully appreciate this. The Committee believes that greater efforts should be made

in future to bring that information to the public.

67. Related to the flow of information to the public is the reporting of the outcome of complaints. The Chairman of the *Advertising Standards Council* acknowledged that complainants do object sometimes when decisions are handed down without reasons.⁽²³⁾ One particular example brought to the Committee's attention was a complaint by the *Road Safety Council of the ACT* about the high speed of a vehicle being used as a selling point in a television advertisement. The complaint was rejected by the ASC without an explanation of the basis for the determination.⁽²⁴⁾ At present the ASC does not as a matter of course provide reasons for its decisions, but will consider giving reasons if it is asked to do so before it has undertaken its deliberations.⁽²⁵⁾

68. Members of the AANA have themselves asked for reasons for decisions by the ASC to be given as a matter of course, and this is being considered.⁽²⁶⁾ It was said during the inquiry that self-regulation should not be secret regulation. It should be automatic for explanations of decisions to be given. This would shed light on the spirit with which the codes are being interpreted in practice and assist in keeping the industry ultimately and openly accountable to the public for its activities. A more complete public annual reporting of the details of complaints received, outcome of, and reasons behind, adjudication on complaints is a similarly necessary improvement to the self-regulation system.

ROLE OF THE ABT

69. The Committee's recommendations for the development of a comprehensive set of advertising standards relating specifically to road safety and a twelve month period of monitoring the enforcement of that standard imply increased activity by the ABT. It is for that organisation to assess whether additional resources will be needed as a result. *The Committee would support the allocation*

of whatever increase in resources may be necessary for the ABT to carry out this program properly.

70. *The Committee Supports* the February 1981 recommendation of the Administrative Review Council, arising from its inquiry into ABT procedures, that the Tribunal be given "a wider range of powers to respond to breaches of broadcasting standards, including power to reprimand or admonish and to direct the publication by the licensee concerned of such a reprimand or admonition and power to impose temporary restrictions on advertising". *The Committee supports* any necessary legislative changes to provide the ABT with the power to impose fines for breaches of broadcasting standards, or the imposition of a penalty having a monetary effect in lieu of a fine.

E.E. DARLING
CHAIRPERSON

17 November 1983

1. Exhibit 3.
2. Evidence p618.
3. Evidence, pp413-4.
4. Evidence, p283.
5. Evidence, p284.
6. Evidence, pp272 & 286.
7. Evidence, p287.
8. Evidence, p290.
9. Evidence, p666.
10. Evidence, p628.
11. Evidence, p36.
12. Evidence, pp245-6.
13. Evidence, ppl05-6.
14. Evidence, p288.
15. Evidence, p295 & 378.
16. Evidence, p323.
17. Evidence pp377, 425.
18. Evidence, p626.
19. Evidence, p20.
20. Evidence, p119.
21. Evidence, p104.
22. Evidence, p358.
23. Evidence, p300.
24. Exhibit 2A.
25. Evidence, p300.
26. Evidence, p328.

APPENDIX 1

CONDUCT OF THE INQUIRY

On 6 July 1983 the Committee resolved to inquire into and report on the adequacy of existing advertising standards as they relate to road safety, the means of setting and enforcing such standards, and possible improvements in the content of those standards.

The Committee advertised the inquiry nationally in major metropolitan newspapers in conjunction with public hearings being held on other road safety issues. In addition umbrella organisations for national advertisers, advertising agencies, media outlets, consumer groups, Commonwealth State and Territory Government departments and authorities, academics, research bodies and other associations with an interest in the subject matter of the inquiry were approached directly and invited to make submissions.

The inquiry was conducted simultaneously with one into more general road safety issues. Witnesses giving evidence on the wider issues were also asked to provide comment for the Advertising Inquiry. The Committee was thus able to obtain the advice and opinions of members of the public, those with a general expertise in road safety matters and advertising specialists. Appendix 2 lists those witnesses appearing in relation to the Advertising Standards Inquiry only, and Appendix 3 lists those witnesses who gave evidence on more general issues.

Commencing on 6 July 1983 the Committee held 6 public hearings on the Advertising Inquiry in which 704 pages of evidence

and 12 exhibits were taken. A list of exhibits is given at Appendix 4. Evidence taken at public hearings is available for inspection at the Committee Office of the House of Representatives and the National Library of Australia.

APPENDIX 2

WITNESSES

List of witnesses including date of appearance before the Advertising Standards Inquiry and transcript reference number.

ARNETT, M.B.	Manager, Max Arnett Tyre World, Hornsby, NSW, (15 August 1983), pp431-454.
ASHER, A.J.	Public Affairs Manager, Australian Consumers Association, Chippendale, NSW, (26 July 1983), pp271-291.
AULD, G.P.	Executive Director, Media Council of Australia, Sydney, NSW, (15 August 1983), pp334-379.
BRAITHWAITE, Dr J.B.	Director, Australian Federation of Consumer Organisations, Canberra, ACT, (6 July 1983), pp101-134.
BUDD, R.A.	Assistant Secretary, Office of Road Safety, Department of Transport, Canberra, ACT, (6 July 1983), pp4-36.
CORMACK, B.D.	Federal Director and Chief Executive Officer, Advertising Federation of Australia, North Sydney, NSW, (1 September 1983), pp456-476.
ELLIOTT, B.J.	Principal, B.J. Elliott & Associates, North Sydney, NSW, (1 September 1983), pp509-525.
HALL, Dr R.M.	Behavioural Scientist, 42 Golfers Parade, Pymble, NSW, (15 August 1983), pp380-397.
JONES, D.A.T.	Chairman, Australian Broadcasting Tribunal, Sydney, NSW, (6 July 1983), pp37-67.
KEITH, F.C.	Acting First Assistant Secretary, Office of Road Safety, Department of Transport, Canberra, ACT (6 July 1983), pp4-36.
KIRBY, Sir Richard	Chairman, Advertising Standards Council, Sydney, NSW, (26 July 1983), pp292-315.
LONG, P.M.	Federal Director, Australian Association of National Advertisers, Sydney, NSW, (26 July 1983), pp316-332.
McLACHLAN, Rev Fr P.	Director, Catholic Media Office, Brisbane, Qld, (25 July 1983), pp154-171.

- MORGAN, D. General Manager and Deputy Federal Director, Federation of Australian Commercial Television Stations, Sydney, NSW, (15 August 1983), pp398-430.
- MULCAHY, R.J. Deputy Director, Advertising Federation of Australia Ltd, Sydney, NSW, (6 July 1983), pp68-100.
- PERKINS, C.N. Chairman, Aboriginal Development Commission, PO Box 1200, Canberra, ACT, (8 September 1983), pp568-615.
- POPE, M. Personal Assistant, Aboriginal Development Commission, PO Box 1200, Canberra, ACT, (8 September 1983), pp568-615.
- RICHARD, G.P. Behavioural Scientist, Traffic Accident Research Unit, Traffic Authority of New South Wales, Rosebery, NSW, (26 July 1983), pp175-270.
- ROSSITER, Dr J. Principal Lecturer, Marketing, New South Wales Institute of Technology, Sydney, NSW, (1 September 1983), pp477-494.
- SAFFRON, Dr D.G. Principal Research Scientist, Traffic Accident Research Unit, Traffic Authority of New South Wales, Rosebery, NSW, (26 July 1983), pp175-270.
- SMITH, R.C. Lot 2, Range Road, Olinda, Victoria, (1 September 1983), pp495-508.
- SPRAGG, E.B. Administrator, Traffic Accident Research Unit, Traffic Authority of New South Wales, Rosebery, NSW, (26 July 1983), pp175-270.
- YEAMAN, I.D. Executive Director, Road Safety Council of the Australian Capital Territory Inc., Canberra, (6 July 1983), pp135-151.

APPENDIX 3

WITNESSES

List of witnesses including date of appearance before the Committee and transcript reference number.

ASPINALL, P.J.	Youth and Education Officer, Anglican Diocese of Tasmania, Hobart, (2 September 1983), pp1167-1175.
BAILEY, J.D.	President, Northern Territory Motorcycle Association Inc, Darwin, (20 July 1983), pp166-189.
BEARD, D.	Chairman, Road Safety Council of South Australia, Warrandale, SA, (21 July 1983), pp349-369.
BENSON, C.	Chief Superintendent, Officer-in-Charge, Traffic Region, Thebarton, SA, (21 July 1983), pp226-251.
BEST, K.	Consultation Officer, Youth Affairs Council of South Australia, Adelaide, SA, (21 July 1983), pp304-314.
BUROW, P.K.	Shire Clerk, Cardwell Shire Council, Tully, Qld, (18 July 1983), pp45-57.
BURTON, C.R.B.	Secretary, Institute of Driving Instruction Inc., Welshpool, WA, (16 September 1983), pp1288-1300.
BURTON, M.B.	35 Winns Road, Coromandel Valley, SA, (21 July 1983), pp389-403.
BYRNE, J.P.	Chairman, Cardwell Shire Council, Tully, Qld, (18 July 1983), pp45-57.
CAMPBELL, R.W.	1 McLeod Street, Mareeba, Qld, (18 July 1983), pp74-79.
CHAMBERS, T.F.	Road Safety Instruction Centre, Road Safety Council of South Australia, Parkholme, SA, (21 July 1983), pp349-369.
CHAPMAN, P.C.	Senior Project Officer, Division of Road Safety and Motor Transport, Adelaide, (21 July 1983), pp226-251.
CLARKSON, D.W.	President, South East Queensland Driver Education Centre, Gympie, Qld, (25 July 1983), pp638-653.

COLEMAN, Y. 13 Geneff Street, Innaloo, WA, (16 September 1983), pp1218-1221.

CRAPPA, E.F. Australian Railways Union, Cairns, Qld, (18 July 1983), pp28-44.

DANIELS, L.W. 52 Hunter Street, Greenslopes, Brisbane, Qld, (25 July 1983), pp530-539.

DONNELLY, R.P. 28 Walter Street, Claremont, WA, (16 September 1983), pp1280-1287.

ELLINGSEN, B.D. Co-ordinator, Bendigo Drink Drivers Course, Kangaroo Flat, Vic, (31 August 1983), pp979-997.

FLINT, A.G. Director, Division of Road Safety and Motor Transport, Adelaide, SA, (21 July 1983), pp226-251.

FIRMIN, C.C. Chairman, Road Safety Council of the Northern Territory, Darwin, NT, (20 July 1983), pp84-165, 202-223.

FOREMAN, A.W. Leading Hand Driver, Commonwealth Car Pool, Brisbane, Qld, (25 July 1983), pp514-529.

FOSTER, D.L. Public Relations Consultant, Liquor Industry Road Safety Association of Western Australia, Perth, WA, (16 September 1983), pp1334-1348.

FRASER, F.J. Officer in Charge, No 3 Region, Traffic Operation Group, Kangaroo Flat, Vic, (31 August 1983), pp998-1024.

GALTOS, B.J. President, Queensland Council of Parents and Citizens Associations, Albion, Qld, (25 July 1983), pp507-513.

GEORGE, Dr J. Medical Superintendent, Alcohol and Drug Dependency Service, John Edis Hospital, New Town, Tas, (2 September 1983), pp1176-1182.

GILL, W.P. Manager, Portapress Services Pty Ltd, Woolloongabba, Qld, (25 July 1983), pp407-482.

GILL, K.M. Main Street, Sebastian, Vic, (31 August 1983), pp1041-1051.

GREGSON, L.H. 1/5 Turnbull Crescent, Rosetta, Tas, (2 September 1983), pp1195-1210.

GRIEVE, Dr R. Director of Child Study Centre and Senior Lecturer in Psychology, University of Western Australia, Nedlands, WA, (16 September 1983), pp1312-1325.

- GROVE, N. Regional Officer, Victoria State Emergency Service, Bendigo, Vic, (31 August 1983), pp1025-1040.
- HARRIS, M.J. PO Box 545, Sandy Bay, Tas, (2 September 1983), p1114-1136.
- HEWITT, J.V. Director of Land Transport, Department of Transport and Works, Darwin, (20 July 1983), pp84-165, 202-223.
- HIGGINS, B.G. C/- Brisbane Administrative Centre, Brisbane, (25 July 1983), pp502-506.
- HILL-WEBBER, B.J. Vice-President, Institute of Advanced Motorists, Rochedale, Qld, (25 July 1983), pp577-600.
- HOMEL, R.J. Senior Lecturer, School of Behavioural Science, Macquarie University, North Ryde, NSW, (26 July 1983), pp662-694.
- HUBBARD, V. President, Australian Federated Union of Locomotive Enginemmen, Railways Department, Cairns, Qld, (18 July 1983), pp28-44.
- HURLE, J.F. 5 Sharps Road, Lenah Valley, Tas, (2 September 1983), pp1211-1216.
- HYDE, F. Recording Secretary, Women's Christian Temperance Union of South Australia, Adelaide, (21 July 1983), pp340-348, 370-375.
- IRVINE, R.D.A. Consultant, Auditor/Accountant, Liquor Industry Road Safety Association of Western Australia, Leederville, WA, (16 September 1983), pp1334-1348.
- JADHAV, Dr R. Superintendent, Driver Assessment Clinic, Alcohol and Drug Addicts Treatment Board, Parkside, SA, (21 July 1983), pp376-388.
- JOHNSTON, H. Secretary, Cyclists Action Group, Cottesloe, WA, (16 September 1983), pp1379-1412.
- JONES, M.K. Engineer, Cardwell Shire Council, Tully, Qld, (18 July 1983), pp45-57.
- KELLY, T.O. Director of Road Safety Transport, Transport Department, Hobart, Tas (2 September 1983), pp1084-1099.
- KENNEDY, R.V. Director, Drug-Arm, Brisbane, (25 July 1983), pp601-623.
- KIRKHAM, Dr R. Senior Lecturer, Department of Psychology, University of Western Australia, Nedlands, WA, (16 September 1983), pp1326-1333.

- KRAUZE-PORAY, B. Manager-Director, Biorhythm Research and Information Centre, Rochedale, Qld, (25 July 1983), pp624-637.
- LAIDELY, P. Director, Portapress Services, Woolloongabba, Qld, (25 July 1983), pp407-482.
- LANDAUER, Dr A. Senior Lecturer, University of Western Australia, Nedlands, WA, (16 September 1983), pp1222-1279.
- LENEGAN, J.A. President, Western Australian Institute of Advanced Motoring, National Safety Council, Mount Lawley, WA, (16 September 1983), pp 1301-1311.
- LUCAS, K.G. 410 Swann Road, St Lucia, Qld, (25 July 1983), pp562-576.
- MALCOLM, V. Secretary, Australian Federated Union of Locomotive Enginemen, Union Committee, Cairns, Qld, (18 July 1983), pp28-44.
- MARSHALL, E.J. Member, Institute of Driving Instruction Inc. WA., Welshpool, WA, (16 September 1983), pp 1288-1300.
- MATTHEWSON, J. 8 Elms Road, Sandy Bay, Tas, (2 September 1983), pp1100-1113.
- MAY, G.E. Field Officer, Women's Christian Temperance Union of South Australia, Adelaide, SA, (21 July 1983), pp340-348, 370-375.
- MAY, H.A. President, Women's Christian Temperance Union of South Australia, Adelaide, SA, (21 July 1983), pp340-348, 370-375.
- MEAGHER, Z. President, Sebastian School Council, Sebastian State School, Vic, (31 August 1983), pp1041-1051.
- MINSON, Dr D. President, Bicycle Institute of Queensland, St Lucia, Qld, (25 July 1983), pp540-561.
- MOLLY, N.J. Manager, Class Driving, Adelaide, (21 July 1983), pp252-293.
- McADIE, N.A.J. Executive Officer (Legislation), Department of Transport and Works, Darwin, NT, (20 July 1983), pp84-165.
- McLEAN, Dr A.J. National Health and Medical Research Council, Road Accident Research Unit, University of Adelaide, Adelaide, SA, (21 July 1983), pp 315-327.

NASSAN, M. Member, Bicycle Institute of Queensland, St Lucia, Qld, (25 July 1983), pp540-561.

NOBLE, J. State President, Australian Hotels Association, Hobart, Tas, (2 September 1983), pp1137-1156.

O'NEILL, D. President, Liquor Industry Road Safety Association of Western Australia, Leederville, WA, (16 September 1983), pp1334-1348.

OWEN, J.C. Management Group Member, South Australian Youth Forum, Youth Affairs Council of South Australia, Adelaide, SA, (21 July 1983), pp304-314.

PALMER, L.A. Sebastian Community, Sebastian, Vic, (31 August 1983), pp1041-1051.

PARKINSON, R. Convenor, Road Safety Committee, and State Membership Secretary, Australian Democrats, Western Australian Division, Perth, WA, (16 September 1983), pp1349-1378.

PEARSE, Inspector R.H. Officer-in-Charge, No 1 Division, Police Base, Bendigo, Vic, (31 August 1983), pp998-1024.

PICKWORTH, J. Executive Director, Western Australian Hotels Association, Leederville, WA, (16 September 1983), pp1334-1348.

PLEW, B.J. Executive Officer, Road Safety Council of the Northern Territory, Darwin, NT, (20 July 1983), pp84-165, 202-223.

READ, J. R.S.D. Sebastian, via Eaglehawk, Vic, (31 August 1983), pp1041-1051.

REID, B.C. 'Trelm', Cradoc, Tas, (2 September 1983), pp1183-1194.

RICHARDSON, R.J. Metal Workers Delegate of the Railways, Cairns, Qld (18 July 1983), pp28-44.

ROBINSON, B. President, Cyclists Action Group, Cottesloe, WA, (16 September 1983), pp1379-1412.

ROWE, J. Superintendent-Secretary, Central Victorian District Ambulance Service, Bendigo, Vic, (31 August 1983), pp951-971.

RYAN, G.N. Station Officer, Control Room, Central Victorian District Ambulance Service, Bendigo, Vic, (31 August 1983), pp951-971.

- SCHNEIDER, M.J. Instructor, Class Driving, 100 Currie Street, Adelaide, SA, (21 July 1983), pp252-293.
- SHAW, E.F. MLA, Wynnum, Qld, (25 July 1983), pp483-500.
- SHAW, M.T. Project Officer, Northern Territory Drug and Alcohol Bureau, Department of Health, Darwin, NT, (20 July 1983), pp190-223.
- SIMPSON, K.H. 12 Earlwood Crescent, Bardwell Park, NSW, (26 July 1983), pp695-702.
- SMITH, M.H. Director, Traffic and Technical Services Directorate, Northern Territory Police. Darwin, NT, (20 July 1983), pp84-165, 202-223.
- STANTON, R.N. Road Safety Officer, Motorcycle Riders Association of South Australia, Adelaide, SA, (21 July 1983), pp328-339.
- STEVENSON, R.C. Vice-President, Liquor Industry Road Safety Association of Western Australia, Leederville, WA, (16 September 1983), pp1334-1348.
- THOMAS, D.H. 109 Collins Avenue, Cairns, Qld, (18 July 1983), pp64-73.
- TRAYLING, D.N. 23 Clifford Street, Moonah, Tas, (2 September 1983), pp1157-1166.
- YOUNG, Dr R.V. 1 Wellington Street, Woollahra, NSW, (26 July 1983), pp656-661.
- WALKER, G.L. Transport Driver, Department of Administrative Services, Cannon Hill, Qld, (25 July 1983), pp514-529.
- WALLIS, J. Co-ordinator, Bendigo Drink Drivers Course, Eaglehawk, Vic, (31 August 1983), pp972-997.
- WAUGH, D.G. Chairman, Eacham Shire Council, Malanda, Qld, (18 July 1983), pp58-63.
- WILLIAMS, A. Research Officer, Child Study Centre, Department of Psychology, University of Western Australia, Nedlands, WA, (16 September 1983), pp1312-1325.
- WILLIAMS, E.D. 15 Scotia Street, West Croydon, SA, (21 July 1983), pp294-303.
- WINCKLER, P. Senior Education Officer, Technical and Further Education, Department of Education, Darwin, NT, (20 July 1983), pp84-165, 202-223.
- WINTOUR, R.A. Honorary Chairman, Cairns Far Northern Branch, Queensland Road Safety Council, Cairns, Qld, (18 July 1983), pp5-27.

WOODMAN, G.J. Secretary, Northern Territory Motorcycle Association, Darwin, NT, (20 July 1983), pp166-189.

WRIGHT, T. Chairman, Motorcycle Council of New South Wales, Sydney, NSW, (26 July 1983), pp703-719.

YEARSLEY, J.H. Member of Youth Synod Committee, Anglican Youth Synod, Hobart, Tas, (2 September 1983), pp1167-1175.

APPENDIX 4

EXHIBITS

1. Advertising Federation of Australia Ltd: *Self-Regulation in Australian Advertising: How the Advertising Industry applies self-imposed restraints and guidelines.* Australian Advertising Industry Council, 3rd edn, May 1982.
2. Road Safety Council of the ACT:
 - (a) Correspondence as follows:
 - Mr Yeaman to General Motors Holden dated 26 August 1982.
 - Mr Yeaman to the Advertising Standards Inquiry dated 27 August 1982.
 - The Advertising Standards Council to Mr Yeaman dated 2 September 1982 and 1 November 1982.
 - Director, Commercial Acceptance Division of FACTS to Mr Yeaman dated 3 September 1982.
 - (b) Television Broadcasting of Alcohol Advertising: The Road Safety Council of the ACT position.
3. Government of the Northern Territory:

Correspondence plus attachments from the Chairman of the Road Safety Council of the Northern Territory to the Committee relating to the Advertising Standards Inquiry.
4. Advertising Standards Council: *Advertising Standards Council - Sixth Report 1982.*
5. Australian Advertising Industry Council: *Advertising - The People have their Say: Report No. 2, June 1983.*
6. Mr M. Arnett:

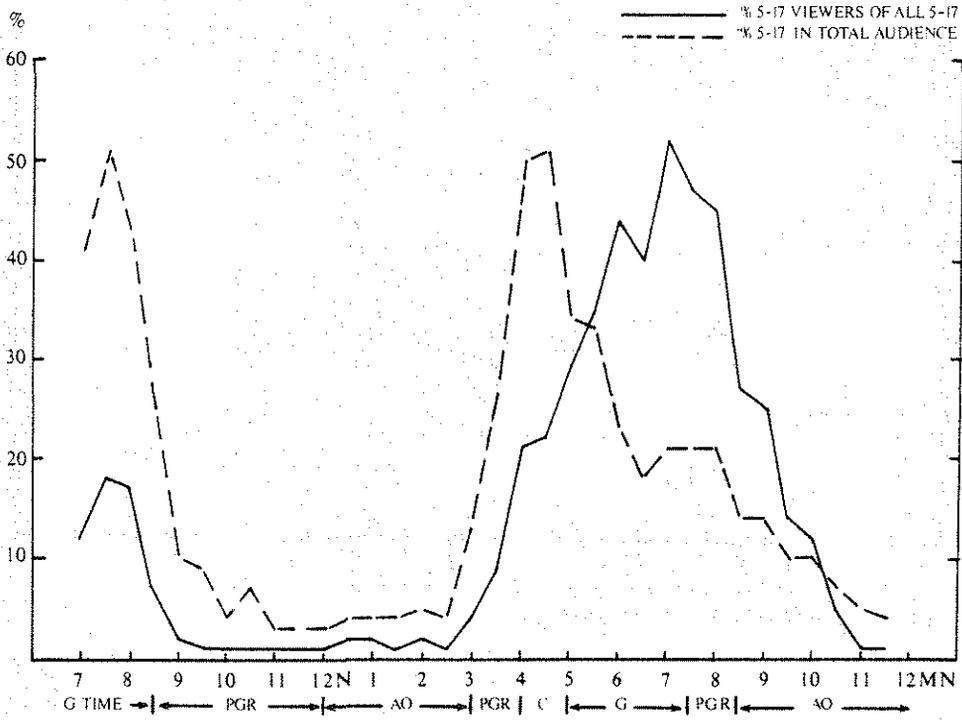
Advertisement p.21, Daily Mirror, Monday, 14 March, 1983.
7. Advertising Federation of Australia:

Summary of Evidence given by Bruce D. Cormack.
8. Advertising Federation of Australia: *The Structure and Procedures of Advertising Self-Regulation.* (Prepared by the Australian Advertising Industry Council, August 1983.)
9. Advertising Federation of Australia: *Alcohol and Advertising: The reasoned approach.* (Published by the Alcoholic Beverages Advertising Council.)

10. Aboriginal Development Commission: *Views of the Commissioners on Alcohol Related Problems and the Advertising of Alcoholic Beverages* .
11. Australian Broadcasting Tribunal: Attachments to Submission.
12. Queensland Temperance League: Submission to the Australian Broadcasting Tribunal on Alcohol Advertising on Television 13 October 1982.

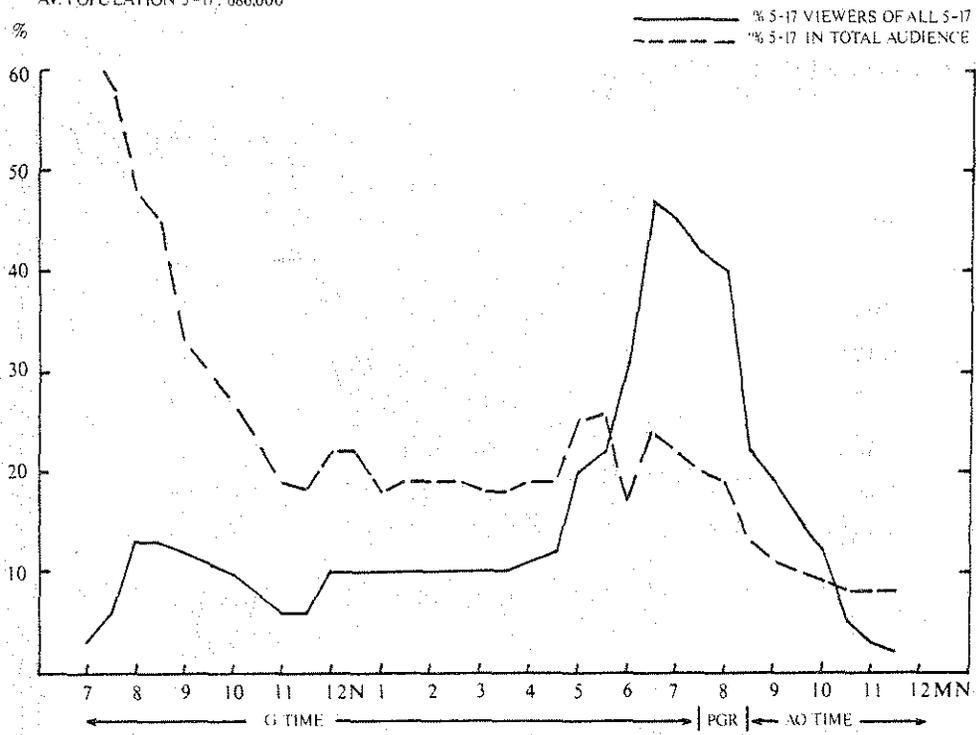
APPENDIX 5

VIEWING PATTERN 5-17 YEAR OLDS
 SYDNEY/MELBOURNE AVERAGE MONDAY-FRIDAY



SOURCE: McNAIR ANDERSON MARCH-JUNE 1982

VIEWING PATTERN 5-17 YEAR OLDS
 SYDNEY/MELBOURNE AVERAGE SATURDAY-SUNDAY
 AV. POPULATION 5-17; 686,000



SOURCE: McNAIR ANDERSON MARCH-JUNE 1982

APPENDIX 6

ADVERTISING OF ALCOHOLIC BEVERAGES - CODE AND GUIDELINES

The advertising of alcoholic beverages is subject to a code and a set of explanatory guidelines drawn up by the Alcoholic Beverages Advertising Council. The following code and guidelines are contained at pages 14-17 in the Council's booklet: "*Alcohol and Advertising: The reasoned approach*", which is Exhibit 9 for this inquiry:

CODE

1. Advertisements for alcoholic beverages shall be directed only to adult audiences.
2. Children should not be shown in advertisements for alcoholic beverages except where it would be natural for them to appear (e.g. in family scenes or in background crowds) but then only when they are not drinking alcoholic beverages, nor is it inferred that they are.
3. Anyone shown drinking in any alcoholic beverages advertisement shall be obviously above 21 years of age.
4. Advertisements should be directed to effect an increase in the brand share of the separate beer, wine and spirits markets and/or commodity shares of the total liquor market.
5. Advertisements may reinforce the pleasure of companionship and social communication, associated with alcoholic beverages consumption but should reflect people drinking responsibly in natural situations.
6. It is legitimate to show people drinking, enjoying or preferring a particular kind of brand of alcoholic beverage, but advertisements should not imply that success or social distinction is due to drinking.
7. Advertisements should not claim or suggest that drinking alcoholic beverages can contribute towards sexual success.
8. Advertisements should not suggest that consumption of alcoholic beverages offers any therapeutic benefit or is an essential prerequisite to relaxation.
9. Advertisements may take into account responsible regional lifestyles but should not show people consuming alcoholic beverages in work situations, immediately before or whilst driving motor vehicles, immediately before or whilst boating, immediately before or whilst swimming, or immediately before or whilst engaging in other activities in which such drinking is potentially dangerous.
10. Advertisements should not 'dare' people to try a particular drink to imply that they will 'prove' themselves in some way if they accept the 'challenge' offered by the drink.

11. Inducements to prefer specific brands of alcoholic beverages because of their higher alcohol content shall not be used.
12. No advertisement for an alcoholic beverage should encourage over-indulgence.

GUIDELINES

The explanatory notes which follow are intended to assist those people involved in creating advertisements to properly observe both the Rules and spirit of the Code. These notes should be read in conjunction with the Code Rules. The numbers shown correspond with the Rule numbers.

It should be noted that no Code Rule should be seen to be in isolation.

1. Advertising should not in any way encourage under age drinking of alcoholic beverages. Special care, therefore, must be taken not to address advertisements to minors even when there is no suggestion that the product advertised is for their consumption. Advertisements should be constructed in such a way that they address adults. This Rule is reinforced by other Rules, particularly Rule 3, which stipulates that people shown drinking in advertisements must obviously be at least 21 years of age.
2. It is permissible to use crowd scenes but the appearance of children must be incidental to any scene and they must not be shown drinking alcoholic beverages. Particular care must be taken to ensure that there is no misunderstanding, e.g. should children be handling drinks, those drinks must be clearly identifiable as non-alcoholic. Care should also be taken when children are part of groups (such as restaurants) that the table or other settings do not suggest they may use alcoholic beverages.
3. This Rule again reflects concern about under age drinking and the impression created by people appearing to be under 21 in advertisements. Use of the word 'obviously' in Rule 3 is intended to remove any doubt as to its compliance. Advertisements must ensure that participants cannot be mistaken by reasonable people to be under 21 years of age. As the apparent age of talent can differ from actual age for natural or artificial (e.g. make-up, etc.) reasons, anyone appearing to be drinking in visual advertisements should be over 25 years of age.
4. Advertising should be directed only at increasing competitive brand or beverage shares of existing markets, and not towards increasing the consumption of alcohol. Therefore, special care must be taken not to permit advertisements to suggest

exaggerated purchase or consumption. Volume campaigns based on price and industry promotions are acceptable, but should not encourage excessive consumption. References to 'cheap booze', 'grog' or similar expressions should be used with the utmost care so as not to encourage over-indulgence.

5. Boisterous group scenes involving general frivolity, careless freedom and abandon, exaggerating the pleasures of companionship and social communication associated with alcoholic beverages consumption, which create impressions of over-indulgence, should be avoided.
6. The use of successful people enjoying a social drink is not precluded but any suggestion that such success is due to drinking or the drinking of a particular brand or type of drink is to be avoided. The use of well-known sporting personalities in natural and responsible situations is acceptable. Situations should not be portrayed such as to encourage emulation by minors.
7. Scenes suggestive of sexual permissiveness or abandonment and/or overt sexual depictions should not be used. Cameras focusing closely on parts of the body solely to create sexual allurements or adoption of deliberate sensual techniques for their own sake are unacceptable.
8. Advertisements should not imply that consumption of alcoholic beverages is in any way a necessity to health. Advertisements also should not imply that consumption of alcohol is a direct cause of or a prerequisite to relaxation; however, people can be shown enjoying alcohol in a relaxed situation. Scenes of over-exhilaration or over-exuberance should be avoided. Claims for any therapeutic benefit are prohibited.
9. The substance of this Rule concerns safety in working and leisure pursuits. Other than when designed to educate consumers, advertisements should not show persons consuming liquor whilst working, driving or engaging in other activities in which drinking is potentially dangerous. Such advertisements should show that refreshment taken is after the event and not before it or during a pause. The words "immediately before or whilst boating" do not preclude persons being shown drinking in a responsible manner on board substantial vessels, provided it is obvious that they are not responsible for or participating in the management of the vessel and the circumstances are safe.
10. The substance of this Rule concerns the encouragement of responsible attitudes and the avoidance of inferences of irresponsible or larrikin attitudes. Advertisements should not imply that non-drinkers are in any way inferior to drinkers or that they in any way suffer by comparison.

11. This does not preclude the use of factual statements of alcoholic content of the product being advertised but does preclude implicit or explicit comparative statements indicating higher strength claims.
12. Illustrations and impressions indicating over-indulgence, individually or in groups, must not be used. The use in advertisements of several quick-changing scenes in which liquor is repeatedly shown, and which give the accumulated impression of an excessive amount of alcohol being involved, should be avoided.