



**ADVERTISING
STANDARDS
BUREAU**

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The Executive Director
Australian Law Reform Commission
GPO Box 3708
SYDNEY NSW 2001

[By email: classification@alrc.gov.au]

Dear Sir/Madam,

Advertising Standards Bureau submission on Issues Paper

The Advertising Standards Bureau (Bureau) appreciates the opportunity to provide comment on the Issues Paper released by the Australian Law Reform Commission (ALRC) in relation to its review of the National Classification System.

The Bureau has recently participated in the following inquiries relevant to the ALRC's review:

- The Senate Legal and Constitutional Affairs References Committee Inquiry into the Australian Film and Literature Classification Scheme (report tabled 23 June 2011); and
- The House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulation of Billboard and Outdoor Advertising (report tabled 4 July 2011).

The Bureau has also made a submission in response to the Framing Paper for the Convergence Review being undertaken by the Department of Broadband, Communications and the Digital Economy.

The Bureau looks forward to assisting the ALRC in this review by providing information about the self-regulation system applying to advertising and marketing communications in Australia and the Bureau's role within that system.

Introduction – role of the Bureau

The Bureau administers the complaints resolution component of the advertising self-regulation system. The work of the Bureau is not underpinned by any Government legislation.

Our mission is to administer a well respected, effective and independent advertising complaints resolution service that regulates advertising standards in Australia, adjudicating both public and competitor complaints, and to ensure compliance with relevant codes. A key purpose is to

ensure the general standards of advertising are in line with community values.

Currently, the Bureau administers the following codes of practice relating to advertising and marketing communications in Australia:

- Australian Association of National Advertisers (AANA) Code of Ethics;
- AANA Code for Advertising and Marketing Communications to Children;
- AANA Food and Beverages Advertising and Marketing Communications Code;
- AANA Environmental Claims in Advertising and Marketing Code;
- Federal Chamber of Automotive Industries (FCAI) Voluntary Code of Practice for Motor Vehicle Advertising;
- Australian Food and Grocery Council Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry; and
- Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children.

These codes apply to all advertising and marketing communications across all media.

The Bureau also works with the Alcohol Beverages Advertising Code (ABAC) management scheme and accepts, and forwards to the ABAC chief adjudicator, all complaints about alcohol advertisements.

The Bureau is secretariat for the Advertising Standards Board (Standards Board) and the Advertising Claims Board. The Bureau promotes the work of both boards and the role of the Bureau in the advertising self-regulation system. The two boards have separate and distinct roles in considering complaints about advertising against the advertising codes they administer.

The Standards Board is the independent body established to determine complaints about advertising and marketing communications against the principles set out in the relevant advertising codes. The Standards Board makes determinations on complaints about most forms of advertising in relation to issues including the use of language, the discriminatory portrayal of people, concern for children, portrayals of violence, sex, sexuality and nudity, and health and safety.

Comment on the Issues Paper

The Bureau does not have specific comments in response to each of the questions raised in the Issues Paper.

However, Question 16 asks about the role of industry bodies in the regulation of content, which

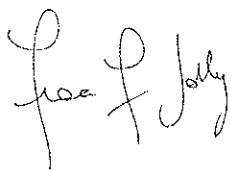
is relevant to the role of the Bureau in administering the complaints adjudication component of the advertising self-regulation system.

We would encourage the ALRC to consider the Bureau's submissions to the Senate and House of Representatives Inquiries referred to above, which support our view that self-regulation remains the most appropriate and effective means for regulating advertising and marketing communications in Australia.

The Bureau is now carefully considering the findings and recommendations of those inquiries. We note that the findings of the House of Representatives Inquiry suggested that, subject to certain recommendations, self-regulation remained the most effective means of regulating advertising in Australia and that the classification system is not appropriate for that purpose. The Committee noted in its report that it *"failed to be convinced that a government regulatory or classification model would improve compliance or provide a more effective means of regulating the industry in line with community expectations"*¹.

We look forward to the ALRC's release of its Discussion Paper later this year and to meeting with you to discuss the operation of the complaints adjudication component of the self-regulation system in further detail.

Yours faithfully,



Fiona Jolly
Chief Executive Officer
15 July 2011

¹ Reclaiming Public Space – Inquiry into the regulation of billboard and outdoor advertising, House of Representatives Standing Committee on Social Policy and Legal Affairs, July 2011, Paragraph 3.58, Page 36.