




Speech By
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MEMBER FOR MOGGILL

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**TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) (OFFENSIVE
ADVERTISING) AMENDMENT BILL**

 **Dr ROWAN** (Moggill—LNP) (4.59 pm): I rise to make a contribution to the Transport Operations (Road Use Management) (Offensive Advertising) Amendment Bill 2016. Advertising on vehicles is able to be viewed by both a large number of Queenslanders and a diversity of age groups, including children and adolescents, as vehicles travel on our road network. As many Queenslanders know, there are vehicles that display advertising that is sexist, discriminatory or otherwise offensive to members of the community. Whilst freedom of speech is a fundamental tenet of our democracy, there are some matters where decency, courtesy and basic manners necessitate action by legislators to ensure a civil society. However, I would like to address those issues that could well make this legislation ineffective.

The Palaszczuk Labor government has attempted to draft a bill that will allow them to deregister a vehicle that does not comply with an ASB decision by allowing the chief executive of the Department of Transport and Main Roads to cancel a vehicle's registration to enforce standards board determinations. The reason that this will not work is because companies such as Wicked Campers that have attracted many complaints, although registered in Queensland, are operating in many other state jurisdictions across Australia. I am of the view that what some companies may do is simply have their vehicles registered in another state so that these proposed laws would not apply to them. Whilst I do not need it pointed out that technically such companies are not allowed to have their vehicles registered in other states if they operate outside of Queensland, in the relevant committee hearing departmental officers admitted that this would be difficult to enforce.

The Queensland Law Society also raised a concern that the new section 19N, Limitation of review, removes the rights of review including internal, external and judicial review, and that the courts may find legislation that prohibits or restricts review for jurisdictional error to be invalid. Before the public hearing, the Queensland Law Society said that their fundamental concern was that, if the processes that the standards board uses are not as robust as they should be or if there are problems with the processes at that level, there is very little opportunity to do much about that later on in terms of appeal or review.

Returning to the issue of freedom of speech, another important concern that the LNP has is that this legislation might affect freedom of speech in relation to other issues, including political messaging or, for example, advertisements on a vehicle supporting marriage or family, and that individuals who display such messaging could then be subjected to an adverse finding. We could potentially have ineffective legislation yet again introduced by the Palaszczuk Labor government with unintended consequences and that fails to adequately address the issues at hand.

Media releases and media conferences should only ever be secondary to the design and implementation of effective legislation. I also note that it has taken the Palaszczuk Labor government nearly two years of being in office before the Queensland parliament saw a bill to remove offensive slogans from vehicles. In its present form, this legislation will also be ineffective in dispensing an insurance requirement that advertisements are legal, decent, honest and truthful. I also draw the

attention of the House to the fact that, after nearly two years, in the end the Palaszczuk Labor government turned to the 2014 parliamentary inquiry that the LNP commenced into sexually explicit outdoor advertising in order to progress this matter.

Whilst the LNP opposition will not be opposing this legislation, I do raise concerns that what is proposed will be ineffective in its translational effectiveness, despite its intent being worthy for the benefit of community civility and appropriate social standards. Certainly sexist, offensive and/or derogatory advertising that objectifies women should not be tolerated in Queensland. However, again, translational effectiveness and legislative efficacy must be important considerations in any parliamentary debate on such important matters.