



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

(Reference: [Inquiry into billboards](#))

Members:

MS C LE COUTEUR (Chair)

MS S ORR (Deputy Chair)

MS T CHEYNE

MS N LAWDER

MR J MILLIGAN

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 6 SEPTEMBER 2017

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Secretary to the committee:

Ms Annemieke Jongsma (Ph: 620 51253)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 3.01 pm.

MOLDRICH, MS CHARMAINE, Chief Executive Officer, Outdoor Media Association

PHILLIPS, MS TESS, General Manager, Outdoor Media Association

THE CHAIR: Welcome to this public hearing of the Standing Committee on Planning and Urban Renewal on its inquiry into billboards. Today we are hearing from OMA and a panel of representatives from the ACT community.

I draw your attention to the privilege statement, which is the pink card. Can you please confirm for the record that you understand the implications of the privilege statement?

Ms Phillips: Yes.

THE CHAIR: Thank you. I remind witnesses that proceedings are being recorded by Hansard for transcription purposes and webstreamed and broadcast live.

Before going to questions, I assume you have an opening statement?

Ms Phillips: Yes. We also have these books to table. Should that happen before or after the opening statement?

THE CHAIR: It really depends on whether you want us to see them beforehand or afterwards. If you are going to refer to them at all, then—

Ms Moldrich: We are going to leave them with you; we do not expect that you can look at them. You could flick through them while I am talking, if you want to.

THE CHAIR: If you think it would be useful for us to see them now, then—

Ms Phillips: Yes, I do.

Ms Moldrich: We are very pleased to have the opportunity to provide evidence to this inquiry. The Outdoor Media Association is the peak industry body for out of home advertising in Australia. Our members display ads for a range of third parties which include businesses, communities and governments. To clarify, we do not represent first-party or on-premise advertising, which is defined as a sign that is displayed to identify a business.

As you are aware, the ACT sign code was developed in 1937. I believe the last major update was in 1998. Canberra and the world have changed significantly since then. We are here to advocate that now is the right time for a review of the sign code and recommend that the ACT government could achieve better outcomes in third-party advertising by introducing reasonable evidence-based regulation in place of the current prohibition. Ultimately, of course, the committee and the community will make this decision, and we are pleased to have the opportunity to make our case to you today.

We understand that much concern around this inquiry has been around the fear of losing Canberra's charm as the bush capital. However, we contend that updating your sign code will not necessarily erode this status. As Canberra becomes a vibrant and populated city with a thriving business community that goes beyond being the nation's capital, signs, like many other new developments and technologies, will be a natural part of this change.

Throughout my opening statement, I invite you to look at examples of out of home advertising from Australia and around the world. That is on the screen. These ads demonstrate the contemporary nature of what the industry can offer in terms of technology and activation of precincts.

There are three points we would like the committee to consider during this decision-making process. The first one is that signs add to the economy of cities. They offer commercial, community and government organisations the chance to talk to a broad audience. This is particularly pertinent in the current media environment that is becoming more and more fragmented.

Second, signs also give back. To put this into context, 50 per cent of the OMA's members' revenue is returned to government and other landlords in rent and taxes. That is, one in every \$2 earned is shared. And for every person employed by the out of home industry, a further two jobs are supported in the community. In exchange for the advertising concessions, OMA members also build and do all the maintenance on public infrastructure. Currently, the industry's provision of community infrastructure represents a \$352 million saving to governments in Australia. Signs are also used to raise awareness on a variety of community issues. The book we have tabled features in some depth many of these campaigns.

Third, while there is some community concern about this issue in the ACT, surveys done generally find people to be positive or neutral about advertising signs, especially when they realise that they get something in exchange. For example, commercial radio listeners accept that they will hear ads in exchange for programming, newspaper readers accept the pages of classifieds for the editorial content, and social media users accept banner advertising in return for the connections. Advertising in the public domain does exactly the same thing.

We have found that the public understands the nature of this exchange. A survey done by the City of Sydney in 2015 with a cross-section of the community found that modern signage, art-based digital signs and ads are in line with community expectations. Respondents said that advertising can play a major role in the look and feel of cities, and 67 per cent of people said that they expect any large city to promote the use of new technology in advertising. In the OMA's most recent survey, when respondents were told that advertising signs funded infrastructure, 77 per cent felt more positive towards advertising.

Signage is a part of the iconography of most modern cities. Out of home advertising is hyperlocal by nature and is widely used by local businesses and community organisations. This advertising benefits the local community and is an economic driver that maintains jobs and assists businesses directly. Increasingly, we see

commercial signage that is artistic and attractive. As you can see, these are some of the examples on screen.

Let me take this opportunity to also dispel a few misconceptions about the industry raised in some of the submissions. The first one is that signs can cause driver safety risks. This is not true. Our research shows that drivers behave in the same way on the road regardless of what signage is present. In fact, a recent study by the department of main roads in WA found an improvement in driver behaviour in the presence of a digital sign.

The second misconception is that allowing third-party advertising will lead to proliferation. Actually, this does not reflect reality, because oversupply reduces the value of signs: that is, the more signs there are, the less they are worth.

The third one is that there is no control over content. In fact, the OMA mandates its members, through its code of conduct, to comply with 15 best-practice self-regulatory codes. We have almost a perfect compliance record of posting only appropriate content.

The last one is that there is no control over the design and number of signs. Again, the OMA has published a set of model codes for advertising devices in consultation with local governments, which have been adopted by a number of councils around Australia. These ensure a proper level of control.

Finally, the OMA is not here to advocate for the removal of all regulation when it comes to signage. We are here to advocate, instead, for reasonable, evidence-based regulations. We want to collaborate with government to create vibrant and economically viable cities where business works in partnership with government and the community.

I thank you once again for the opportunity to respond to this inquiry. We are happy to answer any questions you may have.

THE CHAIR: Thank you very much. I have lots of things. One of the things that struck me, looking at your display, is that most of your ads could be described as community service. “Made possible by Melbourne” looks great.

Ms Moldrich: That was a commercial campaign. It was bought by the University of Melbourne.

THE CHAIR: Yes, but I sort of regard the University of Melbourne as being a government or community entity. In the long run, they are trying to make money out of research, possibly, but in the short run that is how it looked to me. The reason I am raising this is that our previous witness spoke at some length about the difference between community signs and advertising signs. It seems to me that your displays, at any rate, are overwhelmingly what he would class as community information signs.

Ms Moldrich: I see the point you are making. As in any democracy, we have a broad brush stroke of people who use our signs. We offer third parties opportunities. I do not know what percentage is Telstra and what percentage is organisations like the

Melbourne Festival or the Canberra Theatre Centre, but there is certainly a mixture of signs. I do not know whether, in the sort of democracy we have, you can distinguish that only communities can advertise on third-party signs. Like any other commercial channel, like a television channel or a radio station, we work on the basis that we have a product that people want to buy, and that there are regulations around how people can portray their advertising, but that Coles has just as much right to advertise as the University of Melbourne. It becomes an ideological question. I get the ideology, but we are not in the business of ideology; we are in the business of supplying a canvas where people can advertise.

THE CHAIR: Do you charge different rates for different advertisers? Would you seek to put different ads in different locations?

Ms Moldrich: You are talking about two things. One is a rate card. We do have a rate card where someone like the University of Melbourne comes in and says, “We want to promote our research and we’ve got this much budget. We want to do something differently.” We will come up with some ideas for them. We do a lot of community advertising. Last year we gave, I think, \$26 million worth of free advertising space to a broad range of community arts and sports organisations. We do a lot of free-of-charge advertising. We work nationally with National Missing Persons Week; we have just finished National Missing Persons Week with the AFP. We have run that campaign for about 10 years; we broadcast missing persons around Australia. We had a success one year where we found someone, which was really amazing, because they put on only long-term missing people.

It depends, really. There is not necessarily a higher rate for Telstra as opposed to the University of Melbourne.

THE CHAIR: As an example.

Ms Moldrich: Yes.

Ms Phillips: I would like to make one other point, if I can just jump back to your earlier point about most of these looking like community campaigns rather than commercial campaigns. What we are starting to see increasingly is that commercial entities will also use that canvas to deliver a community benefit. One of the ads on that reel is Suncorp Bank delivering information about a severe weather warning. They have decided that in order to make their advertising more relevant or more interesting, they will also give a community service message. You start to see that blurring of what we define as commercial and what we would define as community.

THE CHAIR: I have just one final question; I know everyone else has questions. How much of the outdoor advertising industry is members of your organisation? You said you had a code of conduct. Is that—

Ms Moldrich: About 85 per cent. The majority of out of home advertisers are members.

THE CHAIR: Thanks.

Ms Moldrich: We cannot—

THE CHAIR: You cannot stop people who—that is obviously not your job.

Ms Moldrich: The major players, though, in Australia belong to the Outdoor Media Association.

THE CHAIR: Right.

Ms Moldrich: And even if you do not belong to us, you still have to abide by those 15 sub-regulatory codes. It does not matter whether you are a member or not; the codes exist as part of self-regulation. If you make a complaint about an ad, any ad, it goes to the ASB. It does not matter whether it is from an OMA member or not.

THE CHAIR: It goes to the?

Ms Phillips: Advertising Standards Board.

THE CHAIR: The same as newspapers and all of that?

Ms Phillips: Yes.

Ms Moldrich: The difference is that if you are an OMA member we mandate that you have to follow the codes and we take down ads if they do not follow the codes. And we have a pre-vetting service and actually educate our members on content. We run a training program.

MS CHEYNE: Is Adshel a member of OMA?

Ms Moldrich: Yes.

MS CHEYNE: You have 32 members?

Ms Moldrich: At the moment we have 32 to 34.

MS CHEYNE: You have covered this off in your response to Ms Le Couteur, but what percentage of outdoor advertising do those 32 to 34 members control or are responsible for?

Ms Moldrich: It is hard to say what they are responsible for, but all of the major ones are covered by us. We cover, we think, up to about 85 per cent of the industry. Let me tell you some of the members we do not cover, which could give you an understanding of what we do not cover. We do not cover Val Morgan Outdoor, which is a retail-based advertiser. We do not cover BrandSpace, which is Westfield's shopping centre panels. In the outside space of outdoor advertising—it is a bit confusing; we have outdoor advertising, indoors and outdoors—I would say we cover about 95 per cent.

THE CHAIR: What is outdoor advertising that is indoors?

Ms Phillips: Out of home, so inside the shopping centre.

Ms Moldrich: That is why we call it out of home instead of outdoors. It is advertising that is in a shopping centre or in a cafe. So you have road signs—

THE CHAIR: Okay, that is something which would not be covered by the sort of regulations that we are looking at inside the shopping centres.

Ms Moldrich: No. Well—

THE CHAIR: I am not saying it is not an issue, but it is not something that we thought we were looking at.

Ms Moldrich: When we talk about having reasonably based regulation rather than prohibition, one of the things that regulation can do is cover things that are in all spaces. If there is an out of home sign in a mall that is outside a building that is illegal, you could actually cover that under those codes.

MS ORR: In your opening statement you mentioned that one of the benefits to having outdoor signage is the infrastructure that comes along with it. I was hoping you could run me through what that infrastructure is. Bus shelters are one example, but please enlighten me.

Ms Moldrich: There is a varying degree of infrastructure. With the bus shelter contract, you will find that for the concession Adshel would have built those bus shelters, but there will also be bins that they have built for that council area that they will maintain and look after. There will be kiosks—the kiosks that you see in large cities that have flowers or newsagencies are built by the out of home sector. Phone booths are built by the out of home sector. Toilets, those self-cleaning public toilets; the free bikes in the city of Brisbane are built by us.

If there is a gantry over a freeway and there is a walk bridge, the advertising concession would help to build or will build that walkway. We actually have bridges that are built by our members, and maintained and looked after. So any graffiti, if the glass is broken on a bus shelter, if a public toilet that is built as part of that concession clogs up, we will look after all of that. That is where that \$352 million value comes in.

MS ORR: The arrangement is that you build the infrastructure so that the signs can be used for advertising?

Ms Moldrich: Not all of the signs are on all of the things. As part of the deal, you will have a bus shelter, you will have bins, you will have toilets, you will have kiosks and you will have park benches, but the ads will only appear on the bus shelter and the kiosks.

MS ORR: In the context of Canberra, what opportunities do you see? I am not endorsing a position here either way, but if the argument is that this provides infrastructure for Canberra, what opportunities do you see, if the signage code were redone, to add to the infrastructure of Canberra, if that is the positive thing coming from it?

Ms Moldrich: It would depend on what the territory government wants to do. It could be a pedestrian bridge over a particular area. It could be a bike scheme. It could be, on your new light rail, building of the shelters on your light rail. It could also be other things that you want to do in exchange. It is like a development fund where you, as the proponent, decide what the contribution is. You put it out to tender.

MS ORR: Just to get my head around this a little bit more, does that mean it is up to the government to determine what the infrastructure is? Obviously, there is an interest for the advertisers to have a particular perspective or prominence within an area. That is what they are in business for, putting in those spaces. I am trying to understand what the relationship is between what the government might want and what the advertisers—

Ms Moldrich: It is a tender.

Ms Phillips: In general, what occurs in a lot of jurisdictions across Australia is that once there is a platform, rather than a prohibition, and there is an openness to accept a development application for an advertising sign, what you will also have in your rules is what is called a public benefit contribution. As part of somebody putting in a development application and saying, “I want to build a sign,” say in Garema Square or in Fyshwick, the authority would say, “Okay, in exchange for that sign we would like to receive a public benefit contribution.” That public benefit contribution might take the form of: “We want you to utilise 10 per cent of the sign time,”—if it is a digital sign,—“to promote National Capital Authority events and other events in Canberra. We want you to promote Floriade,” for example.

You might say, “The place that you’re proposing to put that sign is actually an area where we’ve had some safety issues or some issues with vandalism. As part of putting in that sign, we would like you to install some additional lighting that will keep that area well-lit at night-time.” Or, “We’d like you to work in partnership with us to develop a community garden underneath it because we think that will help to offset the fact that it’s another sign in an area that’s quite industrial.”

What happens is a bit of a negotiation, but what you could do in the signs code is provide some of the parameters for that negotiation. For example, “These are the types of public benefits we would hope to achieve as part of any signage approval.” You will see that that kind of definition exists in other jurisdictions.

MS ORR: Am I right in understanding that the opportunity for these discussions is completely off the table in Canberra based on the current signage code?

Ms Moldrich: Yes.

MS ORR: Even though we see examples sneaking in on a building over towards Hobart Place, where they have a big real estate sign because they are redeveloping that building—

MS CHEYNE: We can see it from our corridor, so it is very cleverly done in terms of it looking like it is right there.

MS ORR: We have these signs creeping in. We went out asking about billboards, and that is, as we have come to learn, one type of sign. We have these examples creeping in, but my understanding is that the implication would be that they are not actually covered by the signage code.

Ms Phillips: Yes. I am sorry; I did not mean to interrupt you—

MS ORR: Please do.

Ms Phillips: I read through a little bit of that transcript, and I wanted to be there so that I could interject. The signage code actually prohibits third-party signage. It does not prohibit billboards. One of the issues we face is that, with a real estate advertising sign, in most states it is on the exempt and complying development code list. It probably is in the territory as well. What we see is some very thrifty real estate agents using their real estate sign to also advertise some third-party products which you would assume would classify them as a third-party advertising sign, but because it was developed as a real estate sign there is a bit of a loophole.

Our recommendation, if you do decide to make changes to the code, would be that it does not make sense to apply a prohibition just to third-party advertising; it makes sense to have regulations for all outdoor advertising in order to allow for certain signs that you believe are appropriately designed and appropriately located, whether they be third-party, real estate or on-premise business identification.

MS ORR: On the location topic, do you find that your clients want particular locations over others, say, city centres over suburban streets?

Ms Phillips: Yes, definitely.

Ms Moldrich: The way advertising is sold is on the number of people who look at it. We have an audience measurement system called MOVE, which is based on a traffic management model, and on other datasets, like household travel surveys. The best bang for buck is the more people who can see your sign. Having said that, there are also signs in airports, for example. Airports do not get a huge number of people going through them, so you get a particular market. It depends on whether you are making that sign retail; not everybody goes to a shopping centre. There are some environments that are really good for niche audiences, but, by and large, what you want is the opportunity for a large number of people to see the sign.

MS ORR: Through the inquiry we have had a lot of feedback that people do not want increased signage in Canberra. From what you have said, it sounds like, if there were more signage, it would be targeted to certain areas. I would like to get a better understanding of this: do you have an idea of where those areas would be? Where would you want to focus signage or where would your advertisers see a market within Canberra?

Ms Moldrich: I would not be able to answer that question because it is a commercial decision that our members would make. When you talk about the proliferation of signs, less means more. There used to be a time in Australia when you would put up a

sign everywhere, but that cheapens the product. In a contemporary society, the more premium your sign is, the more money you can get for it, because you own that space, in a way.

Also, in Canberra, what you are talking about is the population. Can the population base support large advertisers coming in? Putting up a digital sign and making it waterproof et cetera is a really expensive exercise. You work on a return on investment. Again you are not going to get people coming in and saying, “Wow, the sign code has changed in Canberra. Let’s build hundreds of signs,” because your population base at the moment cannot actually sustain that return on investment.

Ms Phillips: There is one thing I can say about the location, which is that what we will see across most jurisdictions is that planning zones are used to align with where signs are allowable. It will usually be in town centres or commercial centres and in transport corridor land, and sometimes in mixed-use zones. The larger the city, the more a mixed-use zone will have a big commercial hub as well.

Ms Moldrich: It is usually on state-controlled roads. It is where lots of people gather or pass through. It is not in suburban streets.

MR MILLIGAN: Thank you to both of you for your extensive submission here regarding advertising, billboards and whatnot. I would like to refer to the current ACT signs code which prohibits the display of third-party advertising. You state that there is no rationale to articulate this prohibition. You think that it reflects the possibility of visual pollution perceived from the community, that the view is a legacy of outdated planning systems and that, as planning systems are modernised, they generally recognise that there are benefits to allowing for signage. Can you elaborate a little bit more on that? What is meant by “visual pollution” and why do you think it is outdated and does not reflect where we are now?

Ms Moldrich: I think that there was a time when signs were put up willy-nilly, when there were a lot of signs on the sides of roads. When we do our testing with people and they say, “Yeah, we hate signs, they’re visual pollution,” and we say, “What signs are you talking about?” they are usually pointing to first-party signs. We did an experiment down Parramatta Road in Sydney where there were 14,000 first-party little signs and big signs

THE CHAIR: “Joe Blow’s” whatever?

Ms Moldrich: Yes, “Joe Blow’s A-frames”; there were many. There was not one type of shingle; there were many types of shingles. In that kilometre there were seven third-party signs. What people were actually talking about was the visual clutter at the street level.

I think that there is some misunderstanding about what third-party signs bring, and I think the whole visual clutter thing was also at a time when urban design principles were not used. We are in a much more contemporary world where, again, if you are setting up a new signage code, you can talk about urban design principles. You will see many of the signs in places like Brisbane and Sydney that are the new signs designed within those urban design principles.

MR MILLIGAN: How does this work towards activating urban spaces? What sort of relationship does that have?

Ms Moldrich: Northbridge in Perth is probably a really good example. That was an area that the Perth City Council saw as being a little bit dodgy. It was dark, there were a lot of people who drank in the street and they felt that it was not a safe area. Signage was brought in to help illuminate and to help activate that precinct. They have certainly used that in cities in India, where women are walking from factories to their homes, to have back-lit signs that illuminate their walk home. So there are many ways in which signs are used in urban areas, Times Square being the most—

Ms Phillips: The most activated.

Ms Moldrich: And Piccadilly Circus. There are many ways that you can use signs as part of your activation. That is why we talk about collaboration. It is not just rhetoric. I am saying that if there is a community need, you can work with a sign company to activate a precinct using signs, as well as using those signs to do other things.

One of those images is from Paris, where JCDecaux had built a community area and built a rose garden around it. It provides a place where people can gather, but it also has a sign that gives you when the next bus is due and where you can get a coffee. It is not just saying, “Go to Coles and buy your carrots for 99c.”

Ms Phillips: I was going to make that point about Paris, which is an interesting one. You have a real opportunity in Canberra that could align with it. The story in Paris is that they worked from the get-go really closely with JCDecaux to develop exactly what kind of street furniture they wanted. From the outset they work in collaboration to decide which architect will be involved, what kind of structures and how they will ensure that they look the same as that particular precinct, which is a huge investment up front. Because you have had this third-party prohibition in place, you have an opportunity to be on the front foot and, rather than say, “We don’t want any,” you can say, “If we were to have some, we’d really want it to look like this. We’d really want it to do this.” When it comes to activating urban precincts, “We’d really want it to have a phone charging station to ensure that people can get home safely at night and we’d want it to have an interactive screen if possible, where they could access information about events and services in Canberra.” There are many things that you could bring to the negotiating table if you said what you wanted rather than what you did not want.

MS CHEYNE: I have got questions about placement of signage. In your submission you talk about, and we have talked about today, the numerous benefits of billboards or signs—and I need to change my thinking—including infrastructure, community messaging and so on. Large swathes of land in the ACT, particularly in our central area, are governed by the NCA. You would have read their submission that they have completely ruled out any signage there. Realistically, if we changed our regulations—removing those areas, removing those corridors—what sort of investment, including a potential positive infrastructure investment, could we expect to see, and is there really that desire from the advertising community to go into areas that might not have as

many eyes looking at those signs?

Ms Phillips: I think so. I have to remind myself with a map exactly what is the NCA's land.

MS CHEYNE: We do too.

THE CHAIR: Basically, the main approaches into Canberra are out. Northbourne Avenue is out. Barton Highway is out. The really main roads in general are out, the obvious places.

Ms Phillips: Yes. But I think Canberra is growing. Canberra as a city, as a population, is growing. There are commercial precincts growing further and further afield. I grew up here but I cannot remember half of the names—Crace and Gungahlin. You have got a growing footprint. There are many precincts with concentrated populations where it is still useful to have signs. There are still eyeballs that we could catch with our signs.

I think also what could happen is that if you do get some really interesting developments occurring, you might start to see—at the moment that might be a bit ridiculous—a change from the National Capital Authority because, if you get really great signs that are promoting local Canberra events and are not necessarily promoting NCA events, they might decide that it would be of benefit for them to open up their thinking. I do not know.

MS CHEYNE: That takes me to something that I think we are actively considering, which is whether there should be designated areas for signs. Your submission opposes that. But considering the NCA's view and what you have just said about their own areas that have great population increases or are becoming quite enlivened centres on their own, does that change your view about what was initially in your submission?

Ms Phillips: “Oppose” might be a bit of a strong word. What we have tried to say is that if you designate a few areas then those areas are undoubtedly going to change. Either that area may no longer be suitable for signage or more areas will be suitable or the boundaries of that area will change. So the only concern we have about saying that this one specific road is okay for signs is that it is not really future-proofing your code. When we say a lot of other jurisdictions use planning zoning to align with where signs are allowed, it just allows a bit more flexibility because zoning can change for particular land and zoning will generally encompass a bit more than one specific designated area.

However, I acknowledge that, if you have got community concern and if the designated areas were flexible enough to change, then it could still be worth while to do. We were just worried about the inflexibility of having designated areas, not the fact that you should be able to determine where signs are appropriate.

MS CHEYNE: That is helpful clarification.

Ms Moldrich: You use the regulation. If you are talking about zones, that does not mean that you have to say yes to every sign application. It is still a DA process. There

are still some checks and balances put into place. To try, in the guidelines, to regulate it to a specific spot is very restrictive and you probably will not get as much investment in the end.

MS CHEYNE: Just very quickly—this is a bit of a different tack—you mentioned in your opening statement that you are well aware of our regulations, where they have come from and their very old history. How easy do you find our current regulations to interpret or to find the right information that you need, as a body that represents many other bodies, to help provide guidance?

Ms Phillips: With all due respect, I think not at all easy. It is a very long document. There has been this whole confusion about what is a sign, what is a billboard, is it third party. There is a small asterisk somewhere that says you actually can have a third-party sign as long as it is smaller than two metres and at eye level. It feels like something that may have been drafted as long ago as it was drafted.

MS CHEYNE: So even if we did not necessarily change any of the regulations but we just tightened them up so that they actually made sense or were a bit more accessible, that would still be an improvement?

Ms Phillips: Obviously, we would advocate that there are changes but, yes, I think you should change it either way.

MS LAWDER: In your covering letter to the committee you have said that part of OMA's role is to foster constructive relationships with government to support the development of policies for out of home advertising that are reasonable and evidence based. Are you able to give examples of some other states or territories you have worked with and implemented what you have suggested?

Ms Moldrich: Our model code is probably a really good example. We worked with local government authorities in states to come up with some model signage codes which councils have adopted. We have got a series of model codes for different zoned councils. We also have worked very closely with the Brisbane City Council on developing their subordinate laws and their laws around signage. I used to work in government, so I understand this. There is still a lot of suspicion about business and there is also a lot of suspicion that business is just there to just get as much money as it can. But, actually, in the modern paradigm that is slightly different. We understand that we are in the public domain and we understand that people have concerns. I have concerns. I have concerns about architectural codes. We are part of that community.

If a council wants to work with us—Bunbury City Council have asked us to come to talk to them about signage; the Gold Coast City Council have asked us to come to talk about signage—even though we are an industry body, we are also aware that in order for us to be credible we also have to understand the urban design principles, that we are not just saying to our members, “Go for it.” We have a planner on staff. We work with someone who is a planner. I come from an arts and government background working in precincts. We do understand that keeping up with urban design principles will actually be beneficial to our members.

Ms Phillips: The other point is that we work quite closely with road authorities across

Australia to ensure that the regulation of roadside advertising is safe and that our members are compliant with it. We have worked with pretty much every road authority in Australia. As an example, we are currently doing another round of changes with the RMS in New South Wales, with VicRoads in Victoria and with TMR in Queensland, Transport and Main Roads, because they have all decided to update their road regulations at the same time, which is fun. And we work with them to ensure that the regulation of how quickly a digital sign changes, its luminance—all of those things—are both acceptable from a safety standard and also then are adopted by our industry and work for the industry.

MS LAWDER: Do you just have the one model code or do you have a state or territory level and council levels and then do you have the capacity to take, for example, some city council code and your model one and identify the differences and opportunities for improvement? Is that the sort of work that you do?

Ms Phillips: At attachment 3 we have provided to you our ACT model code. We have adapted the model code. In general, it is fairly consistent across the states and the territories that we have made it for. But there are some nuances based on the location. We would not necessarily do the work of bringing together our model code and a council's work. But we would certainly be there to say, "This is what we've determined as being best practice around the world. What are you looking at? How can we ensure that you adopt these principles in your regulations?"

MS LAWDER: You mentioned Gold Coast City Council and a couple of others. They have come to you and asked about it?

Ms Moldrich: Yes. Usually a council will come to us. The Gold Coast City Council have had a prohibition on signs, but they are about to get the Commonwealth Games and they need to generate some income.

MS LAWDER: Maximise opportunities.

Ms Moldrich: They will actually come to us and say, "How do we actually begin this process? How do we go from a greenfield site?" It is the same with Main Roads WA. The Western Australian government did not have any signs on its roads and then someone said, "We need to make some money to do these road safety projects." So they came to us. We will then advise them on what is best practice. And we will give them examples and we will put them in touch with other people who have done the same thing.

Ms Phillips: Or in other cases a council will put out a set of regulations and we will then make a submission and engage after the fact or, in some cases, we will note that there is a regulation in place that is outdated and we will make an approach. There are a couple of different models.

MS LAWDER: I note that you wrote to the directorate in November last year. Have they come to you and asked for input?

Ms Phillips: No. We had a discussion with some of our member organisations about the existing sign code in the ACT. We had not before that been looking at it because

the population has probably only now got to the point where it has become a really attractive market to work in. And having a look at the signs code, we thought it was probably—

MS CHEYNE: You were delighted.

Ms Phillips: I was delighted. I thought, “This will be great fun.”

MS LAWDER: Some of your members suggested that you should go to the government?

Ms Phillips: Yes.

MS LAWDER: In your introduction you say, “Thank you for inviting Outdoor Media Association to comment on the signs general code.”

Ms Phillips: I think that is more language. We made an approach to government to talk to it, to ask about it, the planning directorate, and they said, “Why don’t you write it? Why don’t you provide that to us in writing?”

Ms Moldrich: Government did not come to us on this one, if that is where you are heading.

MS CHEYNE: That is a very important clarification.

Ms Moldrich: Yes. The ACT government did not approach us; we approached it.

THE CHAIR: Given the time, have any members got any burning questions?

MS LAWDER: I have one brief question.

THE CHAIR: Okay, a brief one.

MS LAWDER: I think it is a brief one. I was unsure about the inclusion in your pack of the image I am holding up. How does that fit with outdoor—

THE CHAIR: I had wondered that.

Ms Phillips: That is actually the inside of a bus shelter. I know it is a little bit hard for you to make that out, but you will see the top of it. It is one of these city activations that occur. Prahran Market wanted to do an advertising piece—

MS LAWDER: It just happened to have political advertising there.

MS CHEYNE: So we could probably just crop out the Greens.

THE CHAIR: I assumed it was a movable billboard they were talking about.

MR MILLIGAN: It looks like the Greens are for more signs.

THE CHAIR: And there are more signs there which, presumably, again, are not what you are talking about?

Ms Moldrich: That is an activation of a bus shelter. They made it look like the Prahran Market. It is a bus shelter but they just built what is called a 3D extension.

Ms Phillips: And they gave out fruit at that extension.

MS ORR: So they do have that as part of the sign.

THE CHAIR: So that is sort of the signage that we are looking at in terms of—

MS LAWDER: For the whole bus shelter in a way.

Ms Moldrich: The whole bus shelter became a market stall.

THE CHAIR: Your advertisers would have basically provided the whole bus shelter. But their paid part, the actual advertising, is—

Ms Moldrich: There probably was also a sign for the Prahran Market on the side of the bus. It is called an activation, in advertising terms. You take a piece of infrastructure that is running an ad and then you put a 3D extension on it.

THE CHAIR: There are also, I guess, ads behind the people and behind the fruit, and they are there 24 hours and the 3D parts are there only intermittently?

Ms Moldrich: Yes.

Ms Phillips: Exactly. They would not leave that there.

THE CHAIR: And the human billboard is obviously even more intermittent.

Ms Phillips: Yes, I think he was probably just standing there for one moment.

THE CHAIR: Any other burning questions, members, given the time?

Ms Moldrich: Tara, you do not want to ask me the question about advertising?

MS CHEYNE: How could I possibly have failed?

Ms Moldrich: When I came in, I said to Tara that Adam Ferrier, in one of the trade magazines, said that most people hate advertising signs until their cat goes missing.

MS CHEYNE: I thought it was a great quote, particularly given our public hearing earlier in the week when we were talking about advertising being bad but community messaging being good, and where the line blurs, which was probably 45 minutes of our hour-long discussion on Monday.

Ms Moldrich: And how can you mandate that line?

MS CHEYNE: Indeed.

Ms Moldrich: Is election advertising okay but Coles cannot—

MS CHEYNE: Yes, and we spent quite a lot of time going, “Would this be okay?”
“But what about this?”

Ms Moldrich: It is a vexed question, I think.

MS CHEYNE: Yes.

Ms Moldrich: It is a hard one. That is where you fall back to democracy and being pluralist. It is the guide, is it not? Otherwise you are mandating particular ideology. That is my opinion, anyway.

THE CHAIR: That having been said, the missing cat is not going to be advertised on any of the things you have been showing us.

Ms Moldrich: It was a little bit of a tongue in cheek thing. Most people who hate advertising will still do a photocopied thing and put it around a pole.

MS LAWDER: It is not always bad to know where the next petrol station is when you are on a long trip, for example, is it?

THE CHAIR: Thank you very much for your contribution today. A transcript of it will be sent to you in a few days for correction.

Ms Moldrich: Thank you for your time and great questions. I hope we gave you some clarity.

THE CHAIR: We suspend for a minute or two while we change witnesses.

Short adjournment.

EBSWORTH, MS IMOGEN

McAULEY, MR IAN

SWANN, MR TOM

HUSSEY-SMITH, MR SAM

ENDREY, MR CHRIS

CLELAND, MS DEB

THE CHAIR: We will reconvene this session. As most of you were not here at the beginning, I will go through the housekeeping things. First of all, I draw your attention to the pink privilege statement. You should all have one. Can you please confirm for the record that you understand the privilege implications of the statement? Basically everyone is happy with that? Great. I also remind you that all the proceedings are being recorded by Hansard for transcription purposes. They are also being live streamed and broadcast live. I understand that some of you have opening statements.

Ms Ebsworth: I have a brief one. I want to make a very brief opening statement and say thank you as a new resident of Canberra—I moved here in January—for the opportunity to be involved and to get involved in civic life here. I come from Hobart which, I guess, is a city with similar aesthetic value which really prizes its aesthetic setting, the way that Canberra does, and sees them as an advantage.

Interestingly enough, Hobart does have billboards. If you talk to most people, everyone really regrets this. There is now a big controversy about whether to have high rises, which I think is in some ways a similar issue in the sense that the city is going through a conversation about what is its unique character, what differentiates it, what is good in terms of encouraging economic, social, business and public life and what the effects are, and what makes it unique and attracts people to it to live and to visit.

I guess I was motivated by chance to come and encourage the Legislative Assembly to think about Canberra's points of difference. When you travel around the world—and I have been very fortunate to visit many cities in my life—you do not remember or want to remember the advertising. What you remember is the heritage buildings, the unique character, the aesthetic setting of a city, the way they bring local culture and art into their settings.

While we are drilled down to a really small level here, I guess one thing I want to note is that to me it was quite confusing to read the terms of reference and have a whole bunch of stuff about whether billboards should go ahead as a form of advertising and then thrown in that there is the issue of public amenity and public space and enlivening it. I do not really see those two things as the same, to be honest. I think they are very different questions. Put it this way: I would suggest if you are going to think about enlivening the urban areas of Canberra, an inquiry should be much broader than whether we should have billboard advertising.

I particularly want to point out also that as the national capital Canberra has got a real chance to differentiate itself and to be something that is unique. Moving here, the things that strike you are the amazing bushland around you and the beautiful vistas. It

is quite austere, the seasons, the wonderful trees and the birds that come into the city. I cannot honestly see how outdoor advertising or billboards would in any way enhance that. In fact, it would be a real shame. I think it would damage some part of the unique character of Canberra.

THE CHAIR: There was at least one other person who wanted to make an opening statement.

Mr McAuley: I have put in a submission already. I just want to make some quick statements. First of all, there are the aesthetic points. They are largely self-evident. I am not going to go into those except, with your permission, to circulate some photographs. These are not additional materials but when I submitted my own submission it was in colour. I am afraid that the secretariat, in its wisdom, decided to do it in monochrome. Unfortunately it has suppressed the link to a website I have prepared showing the absolute stunning colour of some of these advertisements. Here are two copies of these photographs, if you approve.

THE CHAIR: We will certainly be happy to accept them as tabled evidence, yes.

Mr McAuley: Nor do I want to dwell very long on the point of confusion but my main point is the fact that we have certain spaces traditionally in our societies, as pointed out by philosophers such as Karl Polanyi, we have private space, we have public space and we have commercial space. The public space is most under threat from intrusion by commercial space. What is happening with not just billboards, but it is one of the examples of it, is appropriation of public space for commercial purposes. It is sending the message that you, as taxpayers and citizens, who have paid for this and have a right to be here are now in this space by permission of Toyota or Qantas or whoever is sponsoring the billboards. You are not a citizen; you are a consumer. It is taking away very basic, very old-fashioned, very conservative civic values.

We are talking about very large corporations. I did come to hear the previous OMA representatives. They are representing two of the very largest firms—OOH and APM—who have left no doubt that they want to take over more and more public space.

I do want to comment on what I would call some furchies made not just in the OMA submission but more generally, that it is a way of raising revenue. In their own presentation they pointed out that 60 per cent goes to the government, whatever the amenities are, and 40 per cent by way of administration. It is essentially a sales tax with a 40 per cent administrative cost. Most taxes are down in the order of one per cent. If we want street lighting, have street lighting. Do not pay 40 per cent administration cost to collect it, would be my simple public policy notion.

I think another point is that somehow Canberra is out of step. I would suggest that Australia as a whole is out of step and Canberra has an opportunity to be in step, particularly with the Nordic countries. There was the point that if we have controlled outdoor advertising then that is better than the free-for-all, which we are already seeing, of course.

But let us consider the way small business might consider it. If Toyota is allowed to

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have a big ad in Garema Place, of course they are going put up their tacky billboards. Even at present with limited outdoor advertising—far too much, I would assert—Joe’s used car yards and various other enterprises are putting around advertisements. That is why I have included those photographs. There is a big advertisement standing on a street corner just 200 metres from the Legislative Assembly building. There is no evidence that it complies with any code because it relates to a real estate development which may or may not occur sometime in the future.

It was quite amusing watching the previous OMA presenters. I do not know if any members of the panel realised this: they were trying to get their message across while there was this ghastly distraction. I found it very hard. There was this distraction of flashing bright lights behind on that screen while they were trying to make a presentation. And it does really add to the general point about advertising, particularly what they call vibrant outdoor advertising: it is designed, according to behavioural economists Daniel Kahneman and the others, including neurologists, who have researched it, that the whole purpose of distracting advertising is to take away the individual’s capacity to think and reason so that people will make impulsive decisions on the spur of the moment. Far from helping people make wise market decisions, it is actually there as a tool of manipulation.

I have those photographs and I am very happy to prepare, say, a framed copy if anyone would like one to lighten up the vibrancy of their government office. It might add a bit of colour and vibrancy.

THE CHAIR: Are there any other opening statements?

Mr Swann: Yes, I do have an opening statement. I am a researcher at the Australia Institute, a Canberra-based economics and public policy think tank. I have made a submission in my capacity as a proud Canbassador. I moved here a decade ago from Sydney to study at the ANU. I have a background in philosophy, public policy, climate change.

One of the things I came to love about the city quite early on was the relative absence of public advertising. This is a small but very significant feature of this city and, to me, it expresses the values of the city as a place of civic purpose. I certainly notice it now when I go back to Sydney. Hence my concern when I saw the terms of reference for this inquiry. There is an old saying. I think it is meant to be some kind of joke: when did you stop beating your spouse? The idea is that you cannot answer without incriminating, and this is what I felt was embodied in the terms of reference of this inquiry.

They focus on the “merits and challenges of new billboard advertising” as though to ask: how many new ads should we allow, how big should they be and where should they go? But the main questions should be: should Canberra have more or, indeed, less advertising in public spaces? My very strong view is that there should be less, preferably less, definitely not more; and if the Assembly wants to allow new forms of ads, what ads is it going to take away?

I appreciate that there are some quite important and complex issues around enforcing existing regulations, harmonising them and bringing them into the 21st century and

enforcing what currently is in place. But I think this makes the bigger question more important, not less important. If the goal here is increasing government revenue or promoting local business or providing community information or enlivening public spaces, then let us ask for the best way to do that. Private advertising in public spaces seems to me a particularly poor way of achieving those ends.

It was also concerning to learn that the government had been talking to the lobby group for outdoor advertising for a year and a half before community views were sought. I have read the transcripts of previous sessions and I did manage to catch some of the previous session here. It seems obvious to me now that neither committee members nor the minister are particularly enthusiastic about the idea of open slather on billboard advertising. It is very clear from the submissions from the community that there is a strong view in the community against it.

I would also point out that many Canberrans are not aware of the current ban on billboard advertising. But I would like to say that that does not mean that they do not think it matters. I do not notice the absence of an intruder in my house but it certainly is incredibly valuable to me. When I point out that Canberra is free of billboard advertising, people usually say that that is something that they actually do value quite a lot.

I have not seen public polling on this in Canberra but the polling included in the OMA submission, based in Sydney, is hardly an enthusiastic endorsement of advertising in public spaces. The best bits that they could pull out and point to in their submission is that two-thirds of people—this is in the city of Sydney—“expect any large city to promote the use of new technology in advertising,” which is not an argument for more advertising in public space; and “Advertising can play a major role in the look and feel of the city.” Of course. And it can be for the worse.

They also point out that people think more favourably about ads when they know that it delivers revenue to the government or it can do. I certainly think that that makes the case for public advertising; that makes me feel more favourable, but that does not mean that I think it is a good idea. And I think many people would be in a similar situation. They also point out in the attachment to their submission that this research found three in five said ads are typical of a modern city, as though that is a good thing. Does Canberra want to be a typical city? I would say that more ads threaten our hopes to be the so-called cool little capital.

But, putting aside the views across the community, there are also questions of rights. Advertising in public spaces is unlike advertising in newspapers or TV broadcasts. I am forced to see it if I am in the public space. That is precisely why companies pay for it and that is why it is valuable. Do I have a right to be able to choose whether to see advertising or not? Is it a right that the government is able to sell? In this sense, advertising in public spaces is like privatisation of that space. It is especially clear in cases where the city receives assets like bus shelters in exchange for the right to profit from our attention.

Putting aside the question of rights, there is also a question of costs versus benefits. What are the claimed benefits? Let us have a look at some of the OMA’s main points in their submission. One of the points is the level of government use of advertising.

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They highlight the \$35 million in revenue for governments per year as though this were a kind of public service that they were providing for governments when, of course, it is a service they are selling to governments. But let us put this in the context of the \$789 million in revenue in the same year. That puts government advertising at less than five per cent.

They also point to jobs and they point to 903 full-time equivalent nationally. Out of more than 12 million, that is less than 0.1 per cent. They claim a direct contribution of \$273.5 million and an indirect contribution of an estimated \$373.3 million and a further 2,000 indirect so-called supported jobs. The Deloitte modelling that this is based on is not available publicly and it is not included in the submission. I note that it is always a worry when a lobby group-commissioned report says that the industry creates more activity outside the industry than within it. If every such claim were correct then the whole economy of Australia would be many times bigger than it actually is. And even just taking their claims on face value, they are actually quite small in the context of the Australian economy anyway.

I did find another Deloitte report based in New Zealand on advertising in general, not outdoor advertising, the whole advertising industry. It argues that advertising increases economic productivity. Some of the factors they cite are boosting social prestige for certain products and shifting consumer preferences. It is really hard to see how this could be contributing to productivity and why the Assembly should think that this is a socially beneficial outcome especially if it shifts consumption to big businesses with a smaller Canberra footprint.

A marginally better factor outlined here is information delivery. But even where consumers use advertising to make better decisions, outdoor advertising seems a particularly poor means of doing this. Moreover, the Deloitte report highlights that online advertising “has increased the marginal benefit and decreased the marginal cost of advertising activities” making outdoor advertising even less attractive. I note there is a submission to this inquiry from a director of a local clean tech company to this effect.

Finally the OMA highlights that they have a regime of self-regulation as if this is a means of saving costs for the government, as though the costs were borne by no-one. This raises questions like: is the ACT going to allow, for example, junk food billboard advertising or alcohol or sexual objectification or fossil fuels or arms manufacturers? And what about political advertising?

In short, there is clear community concern about what seems to be a push towards more advertising in public spaces in Canberra. Let us make sure Canberra is fully aware of the substantial costs of such a move and scrutinise the putative benefits before we do away with something special about our city.

THE CHAIR: Thank you. The committee will now ask questions. We would be interested in everybody's views. Clearly, while you are all together, your commonality is that you are one of the 160 submitters. We thought that we really could not ask everybody and we could not do it all individually, and you all had reasonably similar viewpoints. Do not feel that if just one person has answered there is any reason for you not to; please all say what you think.

An issue that has come up a few times is the distinction about what is actually on the billboard. Tim Hollo of the Green Institute was here earlier this week, and he drew a distinction between community service advertising and commercial advertising. The other distinction is what could be called signage for a business. With the CMAG sign over there, it could be argued that its function in life is purely to make sure that you can find CMAG. We need some degree of signage so that you can find things. Do you see those sorts of distinctions, and are they important? Would it make a difference if they were bigger or smaller?

Ms Ebsworth: The first question is: what is the most effective way of doing community service messages, rather than thinking that that should be some kind of a pathway to agreeing to billboards? I have a background in working in public policy and also now working for a not-for-profit NGO provider. I have worked on community campaigns and public persuasion things. The question is about how you build something that is going to be effective, not building something because there is a tool there that you may as well use. Does that make sense?

THE CHAIR: Yes.

Ms Ebsworth: In community messages, if you were trying to run a campaign about healthy Canberra or whatever it might be, the question would be: how would you reach people most effectively with that message? It would not be: “Hey, there are billboards there; I guess we should use them,” unless you are being led really badly astray by a consultant.

The reason I start there is that, to me, that question is slightly the wrong way around. It assumes that we should have billboards and it is about whether it would be okay to have them if we use them for community service messages. I prefer to say, “I don’t want billboards because of all the other negative consequences that come with them.” I think we can design effective community service messaging in other ways, and there are people who can assist us to do that.

Also, to be honest, whatever the Green Institute says, I would still see community service advertisements on billboards as an intrusion into people’s public space. It does not give people choice. I am not quite sure that government always need to be or should be privileged in terms of being able to intrude into public space just because they are government. There are certain critical safety messages perhaps; road safety signs are a really great example. But if we are talking about stuff like, “Hey, we’d like to improve people’s lifestyles,” this is not critical, urgent information, and I think there are other ways to deliver that that are more engaging, for starters, and do not have the trade-off of saying, “We’ve got to have billboards to do that,” and you get to have that in your public space, whether you like it or not.

This is a really silly example. I am a gay woman, and every time I go into an airport loo and the back of the door has a message about prostate cancer and doing something for your partner, for some reason it just irritates me. I would say, “That doesn’t apply to me. I just want to go to the toilet in the airport. Why do I have to see a message about my partner’s non-existent prostate cancer?” It is the way that advertising intrudes into your public space that I think is an issue now. An airport is not a public

space, but I am trying to make the point about whether you can avoid it and whether you can choose it.

I do not know if I have answered your question well, but I am saying that I think we can do community messaging much more effectively anyway, and I would not like that to be the trade-off for why we have to have private advertising on billboards.

Mr Hussey-Smith: It would be useful if the committee were to conceive of people's attention as a resource. We live in a world now where, if you go to fill your tank with petrol at a petrol station, you are likely to be hit with an ad. Someone has worked out that you can put TVs next to petrol pumps so that you have to look at that. When you are at self-service check-outs at supermarkets, they often put ads and things on there. There is digital advertising on phones—messages and notifications. As Imogen mentioned, it even occurs in toilets; you are a captive audience. If you are using the toilet you have to look at this advertisement.

My broader point is that our attention has never been more under siege than it is today. That is the world we are living in. Why would the government wish to further take away our very finite attention resources when we are living in a world where they are so under siege? This is a problem for a lot of people. There are lots of mental health implications for not having enough time to focus. Mindfulness training is a direct response to this sort of thing. I would ask the committee to consider people's attention as a resource, and putting those advertisements in people's faces is taking away from our finite attention resources.

Mr Endrey: I want to expand on Ms Ebsworth's point. If the issue is that the government wants to have more public messaging as a means of accessing citizens, perhaps that should be in the terms of the inquiry. By starting off with billboards and then sideswiping messages like public vibrancy, revenue and things like that, it does seem to skew the issue a bit.

With issues like public advertising from government messaging, we are not operating in a vacuum here. We are in a society, Australia, where we already have a lot of public advertising. You can look at societies like the US, where there is no shortage of access by advertisers to citizens, and they spend tremendous amounts on, say, health messaging advertisements. I think you would be hard pressed to suggest that that prevalence of public space has meant that governments are able to reach citizens in a way that negates the deleterious impacts of the advertising space.

Mr Swann: I have spoken a lot already. Very briefly, if it is going to happen: public and community over private, smaller than bigger, and fewer rather than more. The bigger question is whether we should have more or less in the city. I think that question is the primary question that needs to be resolved first, before dealing with the questions around how we harmonise and update the existing codes.

Mr Endrey: The idea that billboards are inherently a community focus is absurd. The OMA before was saying, "Everyone complains about advertising until they lose their cat." Are we imagining that people are going to lose their cat and then take out a billboard on Limestone? There is already plenty of poster access. We have trees out there. There is a big distinction between community access to information and what

Coca-Cola might be trying to sell us.

Mr McAuley: Can I correct my colleague Chris: we do not have trees. On any drive along a country road in New South Wales or the M5 freeway into Sydney, you will notice that a large number of trees have been removed so that people can see billboards. I was quite surprised by the statement by the OMA people that they consult with traffic authorities. You can see in many cases the stumps of those trees.

MS CHEYNE: Could I provide a bit of clarification? It might influence any further points that you make. I have seen a bit of a theme across some submissions and even in what we have heard already. I think there is an impression that this inquiry was referred to us by the ACT government, and that is not the case. Mr McAuley, there was a news article published this year in which you said the government is trying to make easy money. Yes, the Chief Minister has made comments about billboards, but this is a self-referred inquiry. This is not the government saying to us, “Hey, can you guys look into whether we should have lots of billboards in the ACT or what size they should be?” This is an inquiry made up of a mix of Assembly members—two Labor, two Liberal, one Green—and we self-referred it. The terms of reference were not written by the government; they were written by us as Assembly members. That might frame the thinking a little bit in some of your responses.

Mr Endrey: That is comforting to hear. I hope it suggests that there is some capacity for examining whether, with the existing breaches of billboard rules, with driving advertising, there is scope to examine restricting those, rather than just assuming that we should be moving in that direction.

MS CHEYNE: Yes, exactly. Look at the government’s submission and what was said at their appearance at the hearing—not that I can speak on their behalf, but a bit of a summary of what you can read in the *Hansard* is that they really did not have much of a view, in some respects. They said, “We’re interested to hear what the inquiry throws up.” So this is not government directed; this is directed by us as elected members.

MS ORR: We have gone out with a billboards inquiry and, as we have progressed, we have seen that billboards are one type of sign, and we do have examples of other signs, such as the real estate one on the building over there, which is quite large. The submissions talk a lot about how we do not want any change; we do not want billboards and stuff like that. I wanted to split the question and look at it from a slightly different angle. What signs are okay, from the community’s perspective? It has very much come to this point. If we do not like billboards, in one of the submissions there was something about the Canberra Theatre sign being an example of a sign that might be okay, that it could be palatable. If we take yours as a representative sample of public opinion, what would be okay signage use?

Ms Ebsworth: Tom started saying it in simple language—I think advertising for local businesses, where it is in situ, if we are talking about advertising in a physical space as opposed to what they do online and that kind of stuff. I have no problem with businesses being able to tell you that they have specials on or putting out a clapper to invite you in and tell you their hours or highlight a particular event that is going on. I do not have a problem with them having a nice, clear sign on their front so that you can find them. I think that is reasonable.

The well-documented fights worldwide over things like how high McDonald's can put its golden arches are pretty instructive as to how much communities really object to having their space homogenised by that kind of advertising. So there is a difference, to me, regarding advertising for businesses where they can direct you to their business and they can entice you in with current specials or whatever else makes them special. That, to a certain level, adds local colour to a place, particularly because small businesses have a fairly equal footing to a very large conglomerate that might also be on the same block. When it gets to the point where it is dominating or it is trying to pull you into that space from a distance, I think that is when it becomes problematic, because it stops being in situ advertising and it becomes outdoor advertising that is aggressively looking for custom, if I can put it that way.

IKEA is some sort of massive mothership as you drive down to the airport, and I am not quite sure it needed to have the enormous sign over the very enormous blue and yellow building to let you know that the enormous IKEA was there. More importantly, if you imagine that that became the standard for outdoor advertising and there was a massive, mega Bunnings next to it, and a mega this and a mega that, the whole landscape would be completely transfigured by that, it would look just like every other commercial district and it would be pretty unappealing. It is also quite distracting at times.

There is a lot of push regarding the supposed sophistication and joys of digital advertising and 3D screens, and you see that kind of thing in Federation Square in Melbourne. Personally, I think it is horrific. I think it is highly distracting. Because I am a nerd, I went and read about it. One of the things I found in the UN special rapporteur's report is the fact that that advertising is designed specifically to trigger your peripheral vision, which causes a stress response, to make you remember the message without actually having to personally choose to engage with it. I think that is pretty crappy. That is actually taking away people's choice. If we are in a free market economy, one of the things about outdoor advertising when it steps beyond, "Hi, here's my business; please come in and have a look at what I've got," is that free markets are meant to operate on choice, and outdoor advertising really straddles that line about taking away people's choice.

We often talk about families and how they can raise their kids and those kinds of things. If you are trying to make particular choices about what your children see, outdoor advertising is a particular concern. You can put in filters and blocks and you can do all sorts of stuff with online advertising, but with outdoor advertising you can't, and when you then start reading about advertising companies having cradle to grave strategies, you can see why that can become a problem.

I hope that helps. I think it is reasonable for businesses to be able to say, "Hi, I'm here and you can find me, and here's a clear direction," and that kind of stuff. It really steps beyond that when it sees the outdoor space as a play space to try to compete for custom.

Mr Endrey: Continuing on from Ms Ebsworth, with respect to the distinction between in situ advertising and advertising to attract customers elsewhere, it came up in the OMA's time here that it is useful to know where petrol stations are. But there

are already mechanisms for public signs to direct people to essential services like petrol stations, medical centres and things like that. From all the feedback that I have encountered by writing on this issue, it is completely in keeping with community expectations that there is an existing level of access to services that you can find via signage that does not require huge billboards on Northbourne Avenue.

Mr McAuley: We have wonderful access through our cell phones. To add to Ms Ebsworth's statement, there is a concept in economics called the arms race. Everyone knows the metaphor, but the metaphor is that, unless all firms, all businesses, are restricted in their in situ signs, someone will get to be bigger than another and, of course, naturally, others are going to go in the arms race—and, to an extent, that has happened in Fyshwick.

Many years ago, I was involved in setting up a body called CRAS—committee for removal of advertising signs. It was when there was a proliferation of signs in Fyshwick, before self-government, when the minister at the time thought that that would be a good idea. The Fyshwick Traders Association actually got on to us and said, "We wish you every success in trying to bring it down so that people can find businesses, so that each business is confined to their own sign, which will give direction. We want to stop"—they did not use the term "arms race" but I'll use it—"that arms race."

MS ORR: Is there anyone else who sees examples where signs are acceptable?

Mr Hussey-Smith: I would certainly agree that in situ signs are appropriate to an extent. One I will point out—I think this may have been in one of the submissions—is that some people coming into Gungahlin might think that Gungahlin is the home of First Choice Liquor, because they have an absolutely enormous sign. Basically, one of the first things you see, especially when it is dark, is this enormous First Choice Liquor sign, so that is an in situ sign, but its scale may be a bit over the top. If we think about what the utility of the sign is, what are we trying to do? Are we trying to make everyone who comes to Gungahlin—schoolkids, old people, people coming home, people who do not drink—know that there is a First Choice Liquor in Gungahlin? What is the utility of that sign? At the moment all it serves to do is make people think that is the number one spot and place to see in Gungahlin. I absolutely agree that in situ advertising is useful and necessary for businesses, but there is a question about scale, and the appropriateness of that scale.

MS ORR: Following on from that, it has been put to us that the signage code is outdated; it is not quite right. We have heard all of the reasons—some things you do not think are good and some things you do think are good. Some of the examples of the good stuff you have given now have included the bad stuff as well—First Choice and those sorts of things. They are not captured by the signage code as it stands, because they can exist. Do you think the signage code does need to be updated, given we have had a lot of submissions saying, "Don't touch anything. Don't change it"? It is not a trick question; I actually want the public perspective on this.

Mr Endrey: The reason you would have got responses of that nature is that people were concerned that the purpose of the inquiry was to broaden the existing scope rather than to restrict it. So I would not look to that "Don't change it" message as

being indicative of “Don’t further restrict advertising spaces.”

MS CHEYNE: Can I just ask a clarifying question on that? That is where I was going to head as well. Members who are opposed, and many, many submissions, have said “Don’t change the regulations.” I’m not sure those people have read the regulations, because I reckon they would say, “Fix them.” We talk about breaching the regulations. Breaching what? If you read those, it is a bit like, “Hmm?” I do not know how Hansard is going to record that sound. As representatives not necessarily of all those people but of a good cross-section of the community, will you be able to help us confirm for *Hansard* that when people are saying, “Don’t change the regulations in Canberra,” what they really mean is “Don’t change the situation as we are practically seeing it,” rather than, “Don’t change the regulations,” which actually need a bit of—

Mr Swann: My interpretation of that would be, “Don’t increase the amount of private advertising in public space in Canberra. Knowing that the ordinance is from the 30s, I do not think anyone could possibly endorse that you keep that in place. But the primary question has to be under what conditions or with what goals we reform existing regulations. Put very simply, the question is whether to have more, less or the same amount. If we are going to allow more advertising in some spaces but we are also committed to current levels, then what ads are we going to take away? That was the point I was trying to make in my opening submission.

Mr McAuley: There are clearly loopholes in that original legislation. One, illustrated in the pictures I have distributed, in the Sydney and Melbourne buildings, is advertising behind windows. It is technically indoors. That must be an easy one to clear up.

MS CHEYNE: You are right; it is not just one regulation. We have also got everything that applies to developers as well. We have been out to Belconnen recently and have seen some signs there that are not part of normal regulations but part of things that come under a totally different directorate.

Mr McAuley: And in the 1930s, I suspect, trucks were valuable enough that you would not leave one parked on the side of the road just to bear a billboard.

THE CHAIR: Absolutely.

Mr McAuley: That is a very common practice now.

Mr Hussey-Smith: Just for context for the committee—I have started a petition to keep billboards banned, so I am someone who certainly does not want to see, of course, billboards. As part of that, I did as much research as I could into the legislative framework that governs advertising in the ACT, and I absolutely concur: it is an absolute mess. My impression, including from testimony from bureaucrats a few days ago—I think it was last week—is that they do not quite have the full picture of it either. I think that when they talk about enforcement, they do not really know what they are enforcing. People do not know what they can actually complain about. I definitely think we have a problem with advertising and certainly think that we should not introduce billboards into the ACT but I am absolutely also in favour of a legislative review making sure that the rules are very clear. It is on the committee to

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put forward some form of proposal for legislative change. For many reasons, citizens do not understand it; I do not think bureaucrats fully understand it; compliance officers do not understand it; and I do not think advertisers understand it either. But that is certainly not an argument for more advertising. If anything, it is for less. I think the fact that it is such a mess is part of the disempowering nature of the scheme at the moment.

Ms Ebsworth: I think the litmus test you can take from it is that people really do not want more advertising. But, by all means, go and clean up the legislation so everyone knows what their rights and responsibilities are.

MR MILLIGAN: Thank you all for your submissions. I would like to refer to one of your comments, Ms Ebsworth, in your submission. It takes me back to my university days when I was doing graphic design, marketing and publishing at university. You are correct that when we are watching TV or listening to radio or looking at the newspaper we have a choice. We can choose to ignore it and whether to accept it or not. Part of that comes back to the fourth estate, wherein the media is free to pretty much portray and to publish what it likes, and it is up to the viewer to determine whether they accept that or whether they switch it off. However, in your statement you go on to mention that you have no ability to accept or to deny a billboard because it is just there and you cannot switch it off. If you were to apply that theory to this case, where would you stop? Would you continue to apply that to shopfronts? You mentioned First Choice. To what degree would you apply that theory if that was one of the rationales behind banning billboards?

Ms Ebsworth: I think it comes down to public space versus private. When I am walking in a commercial district of the CBD or wherever, I am accepting that I am in fundamentally a shared space between private and public. I can walk quickly past a shop and things like that. What I would suggest as a test is to think about when you are sitting in traffic and you cannot move, and that same billboard has been owned by that same company, has had the same beer ad on it for the last seven months and sure as heck has not changed, and you cannot avoid it, because that is the only thing you can see in your field of view, and they are placed like that frequently. That is what I was getting to. Having in the past been someone who has ordered advertising for an organisation, I know that that is precisely how outdoor advertising is sold to you: it is the one that they cannot avoid. People are bored; they are sitting in traffic; you have their attention. They cannot move. I can walk past a shop or even—Sam raised a really good point about businesses like Liquorland who are clearly pushing the whole idea of identifying their business to you a bit far. But it is fairly transient.

I think it also comes back to the question of public space. I think what we are talking about is, to me, that the primacy and the priority of public space is to invite people in and to encourage exchange between community and people and all those things. Businesses part of that. I am not saying they are some evil thing at all. But when they start to be able to dominate that space, I think it is a really different question. That is when you cannot avoid it in the same way.

To be honest, as an ex public servant, I also cannot help but think of the headache you are going to create for yourselves if you allow billboards in and what one person finds offensive and another person finds acceptable in terms of advertising really starts to

vary considerably. Unlike when it is on an ad and you can just quickly change the TV or set your filters on the net for what your kids look at, you cannot with a billboard. You guys in government are going to be the ones getting all the complaints that go with outdoor advertising, and it tends to attract a lot, from what I can tell.

Finally on that, it is the ubiquity of it. It is the ability with billboards for companies to buy up across multiple jurisdictions through single—there are very few companies who deliver this. I once had to order bus advertising and found that one company did it all in all of Australia—all of it. I could have put the same ad on every single bus across the country if I had had the money. That comes down to the buying power of multinationals and businesses to control public space and what you see. And it creates a ubiquity that (1) you cannot avoid, (2) they rely on because they are trying to build brand recognition and absolutely what they want is repetition, and (3) that is, to me, a really different proposition from walking past a local business that has a sign out the front. It is that public space issue.

I appreciate what you are saying. It is nuanced; it is not easy. But I think when you are talking about public space you can say, “We’re going to put the primacy of public space on community interaction, not on advertising.”

THE CHAIR: We have a new witness, Ms Cleland. Thank you for coming. There is a pink privilege statement next to you. Can you just acknowledge that you have seen that?

Ms Cleland: I have seen it.

THE CHAIR: This is all being recorded by Hansard and live streamed. We are asking a series of questions and you are all free to answer them. Do you have an opening statement?

Ms Cleland: Thanks for having me. I might just get the flow of the conversation and then join in where I feel that that is appropriate, if that is okay.

THE CHAIR: That is absolutely fine.

MS CHEYNE: I want to talk about enlivening public spaces. I think I already know your views, Ms Ebsworth, but feel free to jump in again. For the record, Mr Hussey-Smith and I went to university together and briefly knew each other then, and I have separately met with Ms Cleland about opportunities to encourage the community to get involved with inquiries.

Going back to my substantive question, there is a lot of talk today about commercial advertising and its intrusiveness. In some places, including Melbourne, billboards have taken the form of murals. Often there has been employment associated with that—sometimes they are quite striking, quite engaging and there has been employment of local artists.

I am interested in whether your view changes depending on who is involved in the creation of the billboard or potentially how it looks or how it makes that public space feel, which I appreciate is subjective. One of the questions we asked the Green

Institute on Monday was about digital billboards at Canberra Airport, which I appreciate is a private space, but there is no reason why they could not be found elsewhere. Many people have found them to be quite engaging experiences, with the augmented reality. We have just heard from the OMA their strong view, I think it is fair to say, that signs and billboards are ways of engaging with the community or contributing to infrastructure. OMA members do a lot of building or are involved in the provision of free bikes in Brisbane that have advertising on the back tyre of the bike, as well as making bus stops a little bit more interesting.

Mr Endrey: More interesting than our bus stops?

MS CHEYNE: More interesting than our bus stops.

Mr Endrey: Our bus stops are already famously good.

MS CHEYNE: It depends which ones you are thinking of. That is a bit of a convoluted question. I suppose I am interested in: does your view change depending on how the billboard comes about, who is employed in doing it, whether that creates jobs for local people, local artists and local entertainers, and how it changes that public space? If it is not that intrusive, if it is a mural in an alleyway, does that change your view at all?

Mr Endrey: Speaking as a local artist and creator, if the discussion is turning to vibrancy and how we activate public spaces, there should be a separate inquiry into that. I unequivocally reject the idea of an increase in billboards that are interactive in some way or are unique and interesting of themselves, if their primary function is to expand the reach of the commercial space into public space. That is an absolute net loss and not worth pursuing.

This follows on from what Ms Ebsworth was saying before: it is worth acknowledging that space given to advertisers, the large spaces, because it represents a commercial interest, it may feel like it is in aid of a free and competitive market, but it is, I suppose, ironically a distortion of the market, because it so heavily favours incumbent capital holders, to the detriment of community organisations and local businesses.

Mr McAuley: Let me put my commerce hat on, which means I do not have to understand anything about aesthetics; I will leave that to people like Mr Endrey. One of the furrphies in economics is to say something creates employment. Digging holes and filling them in again creates employment. Prostitution creates employment. The economic question should always be: does this create value, either public value in the public sector or private value in the private sector? I think the evidence that most people are putting is that, in themselves, commercial billboards do not add value.

Mr Endrey: To clarify, I would completely welcome a discussion to expand public artistic spaces and ways of activating spaces that do not involve selling cars.

Ms Cleland: I think it goes back to the framing of how we should use our public spaces. We should get artists involved; they should make art on our public spaces. That is a completely different question to whether our billboards should be artistic.

Mr Hussey-Smith: You mentioned OMA said that digital billboards' augmented reality is very engaging.

MS CHEYNE: No, I think I said that.

Mr Hussey-Smith: Okay. They probably agree with you.

MS CHEYNE: That is what I have heard. I have not engaged with them.

Mr Hussey-Smith: I am sure they are very engaging, and that is the point of them. They are harder to resist looking at than conventional billboards. I make the side point that if you have children you should try very hard to not let your children watch television before the age of two—and this is not my opinion; it is the best child psychologists who say this—so why we would expose, carte blanche, everybody, children included, to digital billboards is beyond me, especially in public spaces where it is unavoidable. I would argue that with the one at the Canberra Theatre, you almost have to enter that space to see it, to seek it out.

The second point I would make with regard to public infrastructure is that Canberra is, I think, the richest city by average income, in probably one of the world's richest countries, in the history of humankind. If we cannot afford to pay for bus stops we have a very big problem. The public infrastructure argument is just absurd. Yes, it takes some revenue pressures off government, but if one of the richest cities on earth can't afford the provision of bicycles—not cars, bicycles—bus stops or lights, I think we need to have a serious look at our budgeting and how that is practised, because that is really not an argument, in my opinion.

Mr Endrey: Again, if that is the crisis then let us have an inquiry into revenue.

Ms Ebsworth: The price for getting engaged in public spaces should not be to be sold something. That is my fundamental objection to what they are saying. You can make it a kinder, gentler and nicer experience. You can get a few local artists to paint a funky local Coca-Cola sign which has Canberra birds in it so that you feel good about it. But why does it need to be a private company if we are doing it for employment? Most artists are radically underpaid and often struggling to get employment. I do not really see the difference regarding their being publicly paid, which would then put money in their pocket which they would spend in the local economy, which would circulate through our economy, which would be great. There seems to have been a furphy for a long time that if it is public money somehow it does not create jobs in the same way and economic value in the same way as if it is private. I am agreeing with Sam and Chris on that.

If it is about engaging public space, let us have a conversation about how to have really engaging public space and use local art. By all means, apply a cost benefit to it, if we want to. In Tassie there is a little town called Sheffield. It is tiny and in the middle of nowhere, in terms of everybody's thinking. It decided to have a mural competition, and it now gets 45,000 people through a town with under 1,500 residents coming to see the mural competition. It attracts artists from around the world who come to see it. Maybe that is too stale an idea. There are a few mural competitions

around, but you get my point. There is a whole other conversation to be had about enlivening urban space in Canberra, and also what public amenity and employment opportunities and value could come from that. I do not think it rests on getting private companies to subsidise that in return for selling basically the ability to reach people for product, whether they want it or not.

MS CHEYNE: A lot of the comments we have heard have been about the selling of something. Ms Ebsworth, I noticed that you touched on this earlier: about billboards not necessarily being the way to get community messaging. Mr McAuley, you spoke about how accessible phones are and the access that they give you. Something that is topical at the moment is the ACT government's approach to making it loud and clear, in every way possible, that Canberra is an LGBTIQ-friendly city. Using that as an example, that is not selling something but that is certainly promoting something in a range of ways. While we do not have a big rainbow sign, we certainly have other things—flags, buses and potentially other things on the horizon as well. Does that influence or change your view? It is not selling something. It is also not necessarily providing a very exclusive community message, but it is certainly underlining something that the ACT government holds dear and wants to promote. Should that also be restricted, if there were going to be signs or something like that?

Ms Ebsworth: I am gay and I want the right to marriage and I would have been fine if you had not plastered the buses.

Ms Cleland: I think that is okay, but I would also argue that that is not a private use of public space. It is fundamentally different from advertising in really important ways. When our government, our publicly elected institution, has something to say in terms of supporting minority groups or oppressed peoples in our society, that is not about a commercial interest selling something through a visual aid in our public spaces. It is not the same thing, I would say.

Mr Endrey: It also sails closer to the community expectation of what the role of government is, in speaking to people. As you said, it is not a direct campaign. It does not say, "Say yes." It is more of a solidarity branding for vulnerable people. It would be very different if the government decided to advertise, say, \$5 maximum bets for pokie machines at the casino. All of us would be uniform in thinking that that would be a breach of public access and we would not want to see that sort of thing on a bus. I lean towards Ms Ebsworth's view.

Ms Ebsworth: I feel good about it because I want the yes campaign to succeed. For the sake of argument, if your government had decided to plaster the buses with female and male signs joined together in a subtle sign that perhaps one was not on board with the yes campaign, it would be a matter potentially of enormous controversy, or at least there would be a lot of upset people. In this instance it is a gesture that has been relatively warmly received, as far as I can tell. I am not sure it is necessarily where government needs to put its effort. It opens the door to what happens if you choose to do something that accidentally is out of line with community expectation and it causes a controversy. Public money has then been spent on stuff in the public space that is really making people upset. This time it is great, or it seems to be. I am happy with it, so confirmation bias rules.

More to the point, and more seriously, if that is going to become a ubiquitous use of it, I would probably say no, to be honest, because I would prefer to have my public space not constantly contested, if that makes sense.

MS CHEYNE: Yes, perfectly.

Ms Ebsworth: I would probably say no.

Mr McAuley: I think we have digressed to an argument about the right of elected government to make a statement which is in line with the apparent—

MS CHEYNE: Yes, and it does go to that issue of community messaging versus private advertising.

Mr McAuley: Had the ACT turned out to be incredibly conservative and 80 per cent wanted conventional marriage, there would be a case that they should support that point of view. But that is within the realm of the politics of democracy, not within the realm of the appropriation of public space.

MS LAWDER: I know Ms Cheyne has had some conversation with Ms Cleland, but a theme in a couple of the submissions is about perhaps a lack of consultation or a lack of awareness amongst some in the community about the committee inquiry. For example, Mr McAuley said that the ACT should formally survey community views. Are you proposing a non-binding postal survey?

Mr McAuley: If we have appropriation.

MS LAWDER: What is it that we should be doing? It is not only with this inquiry; it is a more wide-ranging question. What else should we be doing?

MS ORR: Can I just add to that, to provide context? It was announced in the Assembly. There was a media article saying that the inquiry was being undertaken. The Assembly put out media statements. It is advertised on the Assembly website. We were not trying to hide it by any stretch of the imagination. It is just, going to Nicole's point, about how we get that message out there in ways where you would have an easier time finding it. Is that fair enough?

MS LAWDER: Yes.

Mr Endrey: I think the nature of the problem in this instance draws back to the problem that Ms Cheyne was talking about: the distinction with the public not understanding that this inquiry is not a tacit endorsement of the idea of expanding billboard space. I think that is why people perhaps got that they were not consulted. Realising that this is the consultative period for the idea, I think, is assuaging to those of us who are concerned.

Mr Swann: With respect, the terms of reference of the inquiry suggest that the agenda is to increase the amount of billboard advertising in Canberra. I have just given you a bunch of examples of that. It was with great relief that I have seen the way that the hearings have been conducted. It is pretty clear that that is not the agenda. Ironically,

that impression is probably part of the reason why there has been such a great level of engagement in this committee: it has really struck a nerve with the community on something that they value very deeply.

One of the things I raised in my submission was the role of bodies like citizens juries. I think someone—I cannot remember who it was—raised the idea that we are not representative. Insofar as we have taken the time to do this, 166 submissions is a lot for the Assembly but it is not a lot in the sense of the size of Canberra, and it is certainly not representative. A survey would be one way to address that, but surveys are not particularly deliberative, necessarily. The survey that OMA has provided is a good example of that.

With citizens juries you try to select a range of people from across the community, you give them space to deliberate and you give them access to experts. In that sort of context, you could, for example, provide physical or visual examples of different kinds of advertising and try to tease it out. I understand that part of what the committee is trying to do is to tease out where the fault lines might be so that the future updating of all these codes can be put in black and white. They ultimately have to be put in black and white to some extent so that they can be interpreted. That is a difficult task. It is very difficult for a community member, even if they know that this is happening, to look at a bunch of words on a page and understand what that means for what life might be like in Canberra under different regimes.

That is not to say that this is unusual. This is how all governments do it. It is not a criticism. I understand that this is coming from a place of wanting to do it better. It is just a very difficult thing for governments to do. But, yes, citizens juries, and even surveys and giving greater attention to the use of visual props or visual cues, would be an example.

There are examples of this. I have been on the your say website recently, and it is mentioned in the library. I was in the library before. There is a kind of participatory system—they call it tactical urbanism—of re-using public space through interventions. There is a participatory design competition. People are given images of it and asked to vote on which one they would like to be put in Garema Place. That, to me, seems like a really good use of more innovative forms of consultation to draw out community values.

Ms Cleland: One of the things that we had been discussing was something more like the Haig Park redesign proposal that has been happening. They have used a whole range of different fora to advertise—ironically—publicise and promote the fact that the park is going to go through a redesign. That has included a whole suite of different public events, such as people coming to talk. Again, that can be something that is not deliberative but raises awareness in the community as something that is going to be happening. It gives you a chance to decide if you are going to be interested, and it also gives you a chance to really become informed about it.

I know that someone that I spoke to about this inquiry found it really difficult to find out what the laws even were in Canberra, which, as we have heard, is difficult in general. It was not just them. It is about whether there is even some kind of public talk around “Here are the rules and this is what they are.” It was interesting that the

ABC had run a *Curious Canberra* article about exactly that. That was the way, I know, that a lot of people just got the ground rules. What is actually more or less? It is not the details, not where the planning legislation conflicts with the National Capital Authority, what they can do or whatever. This is more like, “What’s the general lie of the land and why is it like that?” And potentially also: “Why is the government deciding to look at this now, as opposed to marriage equality, primary schools, preschools, parks, whatever?”

There is usually a reason. It is a signal coming from the Assembly or government when they run an inquiry that they think something needs to be done. When it is left a bit opaque about why they think something needs to be done or what they might think needs to be done, that is when people get defensive, worried, scared and potentially aggressive.

MS CHEYNE: Hopefully not.

Ms Cleland: Perhaps not on the billboard issue. But it can be really important to have auxiliary events, activities and different ways of engaging with an issue. Writing a submission tends to weed out a lot of people. Kids do not write submissions. People who speak English as a second language do not write submissions. By and large, I look at submissions as part of my research. Submissions come from organisations and institutions, and not much from individuals, particularly not individually written ones.

MS CHEYNE: It would be interesting to see the demographics of the people who—

Ms Cleland: Yes, and I would suggest that they are reasonably similar to the people who are here.

Mr McAuley: To add to what Ms Cleland has said, I think one of the reasons for the concern now is that anyone who is following the media realises that there is \$5 billion of TV and radio advertising shrinking all the time. The advertising industry is desperate for new areas to colonise. Outdoor advertising has grown. I wrote \$700 million. You have later data—

Mr Endrey: Yes, \$800 million.

Mr McAuley: But we are both seeing this incredible growth in outdoor advertising. The industry does feel that they have to have other outlets because of the internet, because of what is happening in television and radio. I think there is a general community awareness that it is trying to command new space.

Mr Endrey: And for other problems with the mechanisms of representation in this matter, all the public commentary that I have seen, the *Canberra Times* polling and comments under articles et cetera, is skewed very strongly against expanding that advertising in the ACT, so much so that I think the polling—it was obviously not indicative; it is just a click yes or no—was stronger than the support for same-sex marriage, which is obviously very strong in Canberra. None of the OMA statements expressly found anybody with supportive statements in favour of expanding.

Mr Swann: It is a pretty standard manoeuvre for a lobby group to do some polling in a jurisdiction they are trying to convince to give them access, and they were not able to provide that. I think that is probably indicative.

Mr Endrey: Yes; that suggests that, despite this being a small sample, the public sentiment—

Ms Ebsworth: I personally did not take it that the inquiry was trying to hide anything or was—

MS ORR: No; it is helpful for us.

Ms Ebsworth: I am a nerd, so I found it. I think it went past my Facebook feed as an ACT article or something and I thought, “What’s that?”

MS CHEYNE: Perhaps due to our—

Ms Ebsworth: It is quite possible. Yes, we have all become friends since we found that thing and said hi to each other coming in. I think it is really cool. I did not know until recently that the ACT Legislative Assembly did citizens juries. I do not know if that is a new phenomenon.

MS CHEYNE: It is.

Ms Ebsworth: In trying to work out something as complicated as some of the questions you were putting to us about acceptability in trying to sort out the legislation, that looks to me like a really useful tool. I suggested a survey in my submission just because, when it is about public space, I think it is quite important to get a very broad sample of people, not just those of us who are nerdy enough to write to inquiries.

Mr Endrey: How dare you!

Ms Ebsworth: That is right. But also it allows a citizens jury to be a much broader cross-section; it allows them to deliberate and be shown physical examples, and all that kind of stuff. I think that is a really wonderful thing if you are starting to do that around some issues. Generally people think that people do not care, but, given opportunity, they do. And they will engage. With something as complex as advertising, there is also the issue sometimes where something that looks okay needs to be unpacked in terms of the implications of it. It is often hard to do that just through a survey. I certainly thought you did all the normal things in getting an inquiry out there. I do not know what your other mechanisms are yet.

MS CHEYNE: Do you think fear was an element? This is a funny question to ask.

Ms Ebsworth: It was for me. It was like, “No, don’t do that.”

MS LAWDER: Fear and loathing.

Ms Ebsworth: Yes.

MS CHEYNE: With some of the articles I read and how they were skewed, it was fascinating to me, from this perspective, to then see it take on a bit of a life on its own. As an insider looking out and perhaps an outsider looking into what was taking on a life of its own, it seemed as though it stirred up a bit of a flurry of interest because people were fearful that this was a government agenda designed to increase advertising and therefore everyone went, “Whoa.”

MS LAWDER: It was a good outcome in the end.

MS CHEYNE: Yes, but I just wonder if we should be creating more fear campaigns like that.

Ms Ebsworth: The flip side of that is this. Maybe because I am new it is different, but, when I looked at it, it was a bit of fear but it was more that you could look at 160 or whatever number of submissions it is and, if that is a lot for this Assembly, it is also telling you something really strongly about what people value in Canberra. That is a really lovely message, I would think, back to you as decision-makers: that people have a very clear concept of what they value here, whether or not it is triggered by fear, which is perhaps unfortunate in this instance. It is telling you something in terms of the fact that if you are going to use citizens juries and other ways to deliberate on big issues like enlivening our urban space, you have a really interested audience out there and you have only just tapped it through the nerd means. If you went wider, you would probably get a lot of interest, I suspect. Yes, there might be an element of fear, but the flip side of that is that it tells me that there is something that people really value about Canberra that they want to preserve, and they wanted you to hear that.

MR MILLIGAN: Just in relation to the fear, I know that the terms of reference went out there and there was no real boundary as to where we were expecting billboards to go. We were not at all suggesting that it was going to end up like Las Vegas out there. Do you think that if, for this terms of reference or future ones, there was actually a bit of guidance as to where people might expect to go or people were given some boundary—in this case, not like Las Vegas style but something in between—that might have got a different response? Do you think that there might be less fear out there? Do you think a lot of people were fearing that it would end up like Melbourne or Sydney or something, or fearing that there might be signage occurring in residential areas or something like that?

Mr Endrey: I do not think it was unreasonable, from the statements that the Chief Minister made and then from the terms of reference of the inquiry, to infer that it was timed and designed to expand billboard advertising in relation to light rail.

MR MILLIGAN: But to what degree? There was nothing—

Mr Endrey: Of course, but I think the nature of the response has given you an indication about what people are thinking.

Ms Cleland: Although, from my conversations with people—I had a lot of conversations about billboards, obviously, before coming here—I know that people know that Canberra is not Melbourne and Canberra is not Las Vegas. We also know,

from our bus advertisements, for example, that there is a reasonably small pool of advertisers who want large advertisements in Canberra. That is probably back and forth with the restrictions that we have on what kinds of ads we will take on the bus. But it is not a really diverse range. I think people know that similar companies would want to advertise on stationary public advertising in Canberra. I think the reaction that I was seeing was against that, against expanding commercial messages outside, say, a mall or on a shopfront. It was the feeling that they would intrude where they are not currently intruding.

Mr McAuley: It is quite reasonable for people to extrapolate experience. There are bus shelters, buses, the enforcement or otherwise—I know it is a moot point—of signs on the Canberra Centre and the apparent unenforcement of billboards on trucks and things like that. I think it is quite reasonable for people to think, “Oh, well, this is the direction we’re heading, towards a more permissive attitude. And perhaps the government is trying to enshrine that in legislation.”

Mr Swann: I think there would have been a negative reaction had there been a proposal to expand advertising at all, probably less so if it been a specific precinct or a specific proposal. I certainly would have said exactly the same things. I think that the primary question is: more or less? Then you can start talking about where they go. I think it is really instructive that there does not seem to be a strong voice in the submissions that were received from the local business community for more advertising. If there is any case for doing it, surely it is for local businesses. I do not know—I would have to scroll through—but I cannot really see it.

MR MILLIGAN: There were a few submissions from different advertising companies.

Mr Swann: No, from local businesses.

MR MILLIGAN: And from other businesses and other places.

Mr Swann: With respect, it is a bit like an inquiry into lung cancer and taking the views of the tobacco industry to be evidence for the need for weaker regulations.

MR MILLIGAN: I do not know if it is quite that, if that is a good indication—

Mr Swann: I think it is, actually. I think there is a very neat analogy.

Mr Hussey-Smith: Can I just take up that point. I had a good look through all the submissions. I did not see any from small businesses. I do not think there was one.

MS CHEYNE: The Canberra Business Chamber.

MR MILLIGAN: The Canberra Business Chamber and the Convention Centre.

Mr Hussey-Smith: I would not regard them as small businesses.

MS LAWDER: They represent small businesses.

MR MILLIGAN: Small businesses are up to 100 employees or 200 employees. A large business is above that.

Mr Hussey-Smith: The Canberra Business Chamber?

MR MILLIGAN: I am not sure if the Canberra Business Chamber or the Convention Centre would represent a large business either.

Mr Endrey: The Convention Centre is a current recipient of advertising revenue, though.

MR MILLIGAN: Yes, but I would not class them as a large business.

Mr Hussey-Smith: Sorry? The Convention Centre is not a large business?

MR MILLIGAN: No, with the number of people they employ.

Mr McAuley: And they are a beneficiary of what perhaps is quite illegal advertising.

Mr Hussey-Smith: More broadly, why would there not be a flood of submissions from small businesses if it is so useful for small businesses to increase advertising? I repeat my point: I do not think there was a single small business that made a submission. I am happy to be corrected.

MR MILLIGAN: Maybe we need to go out and ask some small businesses why they would or would not have submitted to this inquiry.

Mr Hussey-Smith: I think it goes to the point that I made earlier: increasing advertising space skews against small businesses and skews in favour of large capital holders like international franchises and companies with substantially larger marketing budgets.

Mr Swann: This is a point reinforced in the situation from the OMA. Most of the examples they provided are of large international companies advertising in public spaces. If that is the image that they are presenting to the committee, it is reasonable to infer that that is the kind of business they would be bringing to Canberra.

Mr McAuley: And some of that advertising by large corporations is corporate advertising; it is not product advertising. It is very strange. If you go to the airport, you do not think, "Oh, what a good idea. I think I'll buy an FA18."

Mr Endrey: That is not a good idea.

Mr McAuley: It is claiming territory rather than helping a market operate.

Mr Swann: It does raise an interesting question about the role of increased advertising in public space in a city like Canberra—defence and arms manufacturing advertising in particular. Is their business model or their marketing strategy assuming that defence personnel and defence procurement people are making decisions based on advertising that they see on the way to the airport? They must do, because they are

paying for it; they think it is in their interests to do that. Regardless of whether we think that should be allowed or not, that is not a particularly good public policy outcome, and the Assembly has, to some extent, a kind of responsibility to consider those sorts of things.

THE CHAIR: Are there any other questions that members have? Conversely, is there anything that the panel feels we should know that you have not had a chance to say?

Mr Swann: What do you envisage being next for the committee?

THE CHAIR: We will write a report. It will have a number of recommendations. Obviously, I can't say what they are yet, but you probably have a bit of a tenor of where they are likely to go. That would probably be a fair comment. The government will then respond to those recommendations.

Mr McAuley: I would simply make a reminder that in a democracy a function of government is to protect the commonwealth, to use a rather old-fashioned term. The commonwealth includes the public space, protecting it from graffiti vandals and protecting it from advertisers. One of the points I made in my submission, but I will not dwell on it here, is that there seems to be a very similar attitude to tagging public space and saying, "We want to take over this space psychologically." I do not see a lot of difference between the way graffiti vandals decorate a train or the way corporations decorate buses. It is tagging public space and it is a function of the government to protect the commonwealth, to protect public space.

THE CHAIR: Just to finish my answer, while we will write a report with recommendations, there is an excellent chance that the government will basically say, "Yes, committee, you've done the consultation." The government do not have to agree with what we say, but they certainly will consider it and it is quite likely that they—

MS CHEYNE: They have to consider it. They have to respond to each recommendation individually by saying, "We agree and we will do X." "We agree in principle, or we won't."

THE CHAIR: Or "noted".

MS CHEYNE: Yes. They are not bound by our recommendations.

Mr Hussey-Smith: We certainly can't speak on behalf of them and suggest what we think they will come back with, of course.

THE CHAIR: The positive aspect is that you have all three parties in the Assembly represented here, and something that comes from us that we all agree with has considerable weight.

MS CHEYNE: We were talking about surveying people and how to expand reach; it was a small representation of the submissions we received. Mr Hussey-Smith, you did a petition. How many people signed your petition?

Mr Hussey-Smith: I think it was 740-something.

MS CHEYNE: Ms Cleland, you did a survey. How many people—

Ms Cleland: I think there was going to be a lot of overlap between the people who—

MS CHEYNE: That is all right.

Ms Cleland: It was less than a hundred.

MS CHEYNE: There was a RiotACT article which had comments that could be counted as—

Mr Swann: From memory, they were unanimously against expanding—

MS CHEYNE: Yes, and there were quite a few comments.

Mr Swann: You could also consider the Facebook shares of *Canberra Times* articles or the RiotACT articles as an indication of public engagement.

MS CHEYNE: Yes, and there was the *Canberra Times* poll; is that right?

Ms Cleland: Also, the ad-free Canberra group page was set up.

MS CHEYNE: How many people were on that?

Ms Cleland: That has been liked by about 400 people, I think.

MS CHEYNE: In terms of reach, 160 submissions does not seem like much, but it was a big deal here.

Mr Hussey-Smith: I would say that if citizens had the same amount of time as the ACT government to make their submission, there probably would have been another 50 or so, quite easily.

MS CHEYNE: We did accept late submissions, I believe.

Mr Hussey-Smith: But the closing date is still advertised as a particular date, whereas I understand the ACT government submitted a few days or a week or so after that.

THE CHAIR: Just to be clear, everybody had the same amount of time. A number of people realised that they were short of time and applied for an extension, but the ACT government was not late, to my knowledge. You all had the same amount of—

Mr Hussey-Smith: Maybe it was just that it took a month or so for it to be published.

MS CHEYNE: It may have been the time it took to get published. With the publishing of submissions, the committee has to view them first and authorise their publication. If we have a lot of sitting weeks, estimates hearings or annual reports

hearings, we do not meet. That may have been it.

THE CHAIR: The ACT government did apply for an extension. I think it got a week. I appreciate that most people would not realise that you can apply for an extension. The ACT government, of course, did realise that. We are trying to apply the rules equally, and not so much favour the government as not disadvantage the public; that is more to the point.

Mr Endrey: When it comes to recommendations that the committee makes, I hope that you strongly consider that, as is represented in all of the submissions of the witnesses here and many of the other submissions, there is an appetite to appropriately enforce the existing regulations against those who are breaching them, as is contained in the examples that Mr McAuley submitted.

MS CHEYNE: By first perhaps clarifying the regulations before we enforce them?

Mr Endrey: Hopefully.

Mr Swann: Is that something this committee would do? Could there be, for example, a recommendation to achieve that?

THE CHAIR: Absolutely; there could be a recommendation, number one, to enforce existing regulations, anything that is within the scope.

Mr Swann: To clarify, would the committee, before the last sitting day in October, be providing or developing updated codes?

THE CHAIR: I can be confident that—

MS CHEYNE: We are very talented, but not that talented!

THE CHAIR: Without wishing to prejudge, I can be fairly confident that we will not.

Ms Ebsworth: If you do end up making a recommendation to both clarify and enforce the existing codes and perhaps a further recommendation that they are tidied up or whatever, it would be very helpful, given the tenor of submissions, petitions and all the rest of it—which is what you were coming to, Ms Cheyne—to not see egregious examples grandfathered. That is both unfair commercially and unfair in terms of public sentiment, I would suggest. If you are going to recommend a track for the government to clarify the legislation, clean it up and make it clear for everybody, and it then becomes clear that there are some examples in existence that will step outside, by all means—

MS CHEYNE: That we do not just turn a blind eye?

Ms Ebsworth: Yes. By all means give those businesses time and fairness, but it would be really unfortunate to grandfather idiosyncrasies, not least because it creates ongoing pressure to then change the legislation. It is not a clean closure of the issue to represent community sentiment; it becomes an ongoing problem. I just wanted to raise that.

Ms Cleland: I strongly endorse that sentiment.

MS CHEYNE: It is an important distinction; thank you.

THE CHAIR: If anyone on the panel has more process questions, our secretary would be very happy to answer those afterwards. We have come to an end. Thank you all very much for your attendance. We really appreciate it. You will all be sent copies of the *Hansard* for you to look at and to which you can suggest corrections. We will let you know when the report is published. Thank you very much for your contributions.

The committee adjourned at 5.26 pm.