



## Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

Member for Murrumbidgee

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Mr Tom Duncan  
Clerk  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Mr Duncan

Thank you for your letter of 22 March 2022 regarding petition 35-21, lodged by Ms Jo Clay MLA. The petition seeks for the ACT Government to make and keep Canberra ad free – specifically to:

- direct Transport Canberra and Access Canberra to immediately remove all existing ‘illegal’ advertisements
- introduce specific offences for roadside advertising using parked vehicles
- remove public transport advertisements that block passengers’ ability to see outside
- review and update the rules for what advertising content is allowed on public transport and apply these rules to bus and tram shelters as well as vehicles
- end bus shelter ads by committing to not renewing the Adshel contract. The petitioners also requested that the Assembly undertake consultation on community support for replacing all public transport advertisements with locally commissioned artwork.

In Australia, advertising standards, including those related to outdoor advertising, are governed by a system of industry self-regulation. This is administered by the Australian Association of National Advertisers (AANA) and is underpinned by a set of voluntary codes that include the AANA Code of Ethics.

The ACT Government, through its various regulatory bodies, is responsible for administering relevant sign guidelines and codes of practice within the ACT. Transport Canberra and City Services (TCCS) regulates movable signage placed on Public Unleased Land, through its responsibility for administering the *Public Unleased Land ACT (PULA) 2013 (the Act)*.

The Act also establishes the *Public Unleased Land (Movable Signs) Code of Practice (the Code)* which outlines conditions for sign placement; sign construction and safety; sign content; number of signs; display time periods; and insurance requirements. The Code applies to movable signs such as business signs, real estate signs, community signs, and electoral advertising signs that are intended to be situated in a public place. In accordance

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with the Code, a 'public place' is any place that is unleased Territory Land which the public are entitled to use, or which is open to – or used by – the public. This includes every public road.

Similarly, section 11.7 of the *Territory Plan 2008 (ACT)*, (the *Signs General Code 2008 (ACT)*) regulates the design, content and positioning of signs in the ACT. The Signs General Code is effectively the document which development applications for signs are assessed against. It sets out requirements in relation to the types of signs permissible in certain development zones, the built form and construction of these signs, as well as the permissible environmental impact of these signs.

Where a permanent sign is to be installed on public land, unless it meets an exemption provision outlined in Table 1.5.2 of the *Planning and Development Regulation 2008*, a *Planning and Development Act 2007*, Development Application is required, and a section 303 Planning and Development Act licence must be obtained.

There is no specific law regulating advertising on vehicles. It is the responsibility of motorists to ensure they park their vehicle responsibly and legally. Parking on nature strips or grassed medians is not permitted in the ACT. Illegally parked vehicles on public land, including nature strips, can cause serious damage to community assets including grass, street trees, underground services and the environment. Illegal parking can also cause line of sight obstruction issues and pose a serious risk to motorists, cyclists and pedestrians.

In accordance with the Australian Road Rules and the associated Guidelines, the parking of vehicles on a nature strips or median strips is generally prohibited. Access Canberra Parking Operations is the primary regulator responsible for parking compliance in the Territory. Parking Operations inspectors make regular compliance patrols throughout Canberra, as well as responding to specific complaints about illegally parked vehicles. Parking inspectors also patrol and enforce dangerous and illegal parking on nature strips and road related areas. The infringement notice penalty for this offence is currently \$123.

As part of their duties, authorised TCCS officers pro-actively target municipal non-compliance issues, including unauthorised public land use. The infringement notice penalty for this offence is currently \$440. In line with the Licensing and Compliance Accountability Commitment, officers try to encourage compliance through engagement and education. However, where officers identify a blatant disregard for the law, repetitious offending or conduct that has, or is likely, to cause harm to consumers, business, the community or the environment, officers take escalating enforcement action.

Transport Canberra has arrangements for advertising on buses, light rail vehicles and selected light rail stops that are managed through third party agencies. These follow Australian Advertising Standards and the ACT Government Advertising Guidelines.

Advertising at light rail stops and onboard light rail vehicles commenced with the introduction of light rail. Light rail advertising revenue is reinvested in safety initiatives and operational improvements. These include rail safety wraps to provide a better customer experience, such as services for special events.

Safety and passenger comfort is maintained on externally wrapped light rail vehicles through the following measures:

- the wraps do not cover LRV doors, ensuring full driver and passenger visibility at these locations;
- advertising uses a perforated window film stock which enables passengers to see out the windows with minimal interference. The wraps have undergone rigorous independent testing for light transference and ability to see in and out of the cabin;
- wraps conform with Australian design standards and relevant legislation;
- emergency exit functionality is not affected by the wrap film, and the wraps do not cover any emergency exit signage. In the event that the emergency exit window needs to be broken, the panel falls away in a single piece with no restriction; and

- wrap product has been specifically chosen for the local climate including temperature extremes.

Of the 14 Canberra light rail vehicles, nine are reserved for commercial and government advertising, two are reserved for safety messaging, two are reserved exclusively for ACT Government supported information and awareness campaigns, and one remains unwrapped for media opportunities.

All advertising on Transport Canberra vehicles must meet the Australian Advertising Standards ([www.adstandards.com.au](http://www.adstandards.com.au)) as well as the ACT Government guidelines for advertising on vehicles. These state that advertisements must not represent, portray, or promote:

- a) a contravention of any Act of Parliament or regulation made under any Act;
- b) tobacco or tobacco products;
- c) political or religious advertising. Advertising materials that are political party based are not permitted. Advertising materials that are political in nature but are related to a specific subject or issue must be referred to the Territory;
- d) weapons;
- e) junk food, or food providers determined by the Territory, from time to time, not to meet requirements under the Territory's healthy food and drink initiatives. The ACT Healthy Food and Drink Marketing Criteria and Guideline, or any other health policy put forward by the Territory (from such time that they take effect), and as varied from time to time, must be adhered to. The Territory requests that any advertisements that potentially fall under the 'fast food' category be referred to the Territory for approval;
- f) gambling;
- g) alcohol;
- h) fossil fuels;
- i) a message that demeans or discourages the use of public transport;
- j) a message that demeans public transport users;
- k) a message that promotes unacceptable behaviour to or on the transport vehicle;
- l) a message that poses either a danger or confusion to traffic, or a risk to the health or safety of the public generally;
- m) a message that can be deemed offensive or demeaning to specific Community Groups (i.e. religious, ethnic, women, etc.); and/or
- n) other matters which may be determined by the Territory during the term of the Contract and advised to the Contractor in writing.

The ACT Government acknowledges concerns about some current advertisements which may comply with the letter of the ACT Government and Australian advertising standards, but are nevertheless out of step with community values. We will clarify these standards as they relate to payday lending institutions in the ACT Government guidelines. This will include no longer accepting advertisements for this industry on public transport beyond the end of any current contracts, and exploring opportunities to achieve an equivalent outcome through the advertising sites on bus stops managed by the private contractor Adshel.

We also acknowledge that concerns have been raised about visibility for passengers when bus and light rail windows are wrapped with permeable advertising material. Transport Canberra will explore the implications of updating public transport advertising practices, such that some or all windows are generally kept clear.

In relation to advertising displayed on bus and light rail shelters across Canberra, this is currently contracted with an external provider until 2027. The contract includes the establishment of one non-advertising shelter for every shelter featuring installed. The contract also covers maintenance and cleaning of bus stop assets for the life of the

contract. Gifted assets – being bus shelters, concrete pads, paths and signs – are then handed over to the ACT Government at the end of the contract. We will review the current approach to contracting out bus shelter locations for advertising, including considering both the value generated for the ACT community and concerns about advertising in public spaces – at the end of the current contract period.

TCCS is currently exploring options to introduce specific controls to manage roadside electoral advertising through a targeted review of the PULA legislation. This explores options available to Government to meet the commitment set out in Appendix 2 paragraph 18 of the Parliamentary and Governing Agreement of the 10th Legislative Assembly (PAGA). This commits the government to further restrict roadside electoral advertising, including stronger regulation of roadside corflutes and the introduction of specific offences for roadside advertising using illegally parked or idling vehicles for commercial or political purposes. This work is closely aligned to work currently underway in response to the Justice and Community Safety Standing Committee Inquiry into the 2020 ACT Election and the Electoral Act. It will be progressed as part of the broader package of electoral law reforms arising from that inquiry.

TCCS actively engages the community and industry on issues regarding illegal signage. For example, directorate representatives recently met with the Real Estate Industry regarding non-compliant signage installed on public unleased land. The team uses an educate first approach to ensure that the community is informed and aware of the requirements and regulations that control signage with relation to size, construction, time in place and any prohibited actions.

In relation to the petitioners' request for increased presentation of locally commissioned artworks in public spaces, in March 2022 the ACT Government ran Canberra's inaugural *Surface* urban art festival. During the festival 35 local and interstate artists worked across 30 walls and structures transforming the built environment with street art, graffiti, portraits, stencils, Indigenous art, geometric and abstract art. This has resulted in 30 new public artworks being added to Canberra's City Centre, Braddon and surrounds, which will remain in place well beyond the festival.

Transport Canberra and City Services also runs an ongoing street art program which supports the delivery of large-scale murals and commissioned public art in locations which may otherwise be subject to illegal graffiti. This initiative has added dozens of colourful commissioned artworks to depots, local shops, toilet blocks and other public buildings across Canberra's suburbs in recent years.

Balanced and well-regulated use of outdoor advertising – including on public transport – can support public and community information campaigns, and promote economic activity through promotion of local businesses. The ACT Government will continue to enforce existing restrictions on public outdoor advertising, to ensure public amenity is maintained.

I trust this information is of assistance.

Yours sincerely



Chris Steel MLA  
Minister for Transport and City Services

31 May 2022