



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

CAROLINE LE COUTEUR MLA (CHAIR), SUZANNE ORR MLA (DEPUTY CHAIR), TARA CHEYNE MLA,  
NICOLE LAWDER MLA, JAMES MILLIGAN MLA

**Inquiry into Billboards**  
**ANSWER TO QUESTION TAKEN ON NOTICE**  
**9 August 2017**



Asked by Ms Tara Cheyne:

***MS CHEYNE:** And these are probably questions that might need to be taken on notice for TCCS, but in addition to how many complaints about signage have been received over the last few years what kind of compliance activity can be taken in response to a complaint and is every complaint about signage investigated or if is perceived as a low risk issue, is it perhaps not investigated because it is a risk-based approach? Finally, of complaints that are investigated, how many signs have turned out to be compliant or approved based on one of the four different approval areas? And I am also interested in this maybe really pushing the bar here but whether some signage was, you know, just slightly beyond what was allowed versus things that are really blatantly just like pushing the limits.*

- In relation to: Can TCCS provide how many complaints they get on signage/billboards in the last few years?

**Ms Meegan Fitzharris MLA: The answer to the Member's question is as follows:--**

During the 2015-16 financial year, City Rangers received 266 complaints related to movable and fixed advertising signage.

In the 2016-17 financial year, City Rangers received 240 complaints related to movable and fixed advertising signage.

Approved for circulation to the Standing Committee on Planning and Urban Renewal

Signature:

Date:

17/8/17

By the Minister for Transport and City Services, Meegan Fitzharris MLA



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- What kind of compliance activity can be taken on complaints?

**Ms Meegan Fitzharris MLA: The answer to the Member's question is as follows:–**

On receipt of a complaint related to non-compliant signs, a City Ranger is tasked to inspect the sign(s).

If the complaint relates to movable signs, an assessment is made as to whether the signs are compliant with the Public Unleased Land (Movable Signs) Code of Practice 2013 (No 1) (the Code). The elements considered include the purpose, construction, content, number, placement, time limits and insurance cover. The Code only applies to movable signs on Public Unleased Land. In accordance with section 28 of the *Public Unleased Land Act 2013* (the Act), it is an offence to place a movable sign on public unleased land that is not compliant with the Code.

If a sign is fixed and on Public Unleased Land, the person responsible for placing the sign must hold a permit issued under the Act. In accordance with section 26 of the Act it is an offence to place fixed sign/s on public unleased land without approval and a penalty applies to this offence.

Where signs present an unacceptable risk to public safety or are deemed offensive, they are removed and impounded by City Rangers. City Rangers utilise the "Engage, Educate and Enforce" model in managing complaints. Where minor contraventions are identified, the offender is contacted and provided with information and an opportunity to comply with the requirements of the Act. Where conduct is found to be systemic, or is likely to have a detrimental effect on the community and/or the environment, or demonstrates a blatant disregard for the law, City Rangers can issue infringements or instigate court action where appropriate.

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- Is every complaint investigated or only those deemed high risk?

**Ms Meegan Fitzharris MLA: The answer to the Member's question is as follows:–**

City Rangers investigate all complaints related to non-compliant signage in the ACT in order to identify the risk posed and determine the most appropriate course of action.

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- How many of the investigated signs ended up being compliant/approved signs based on one of the four different approval areas?

**Ms Meegan Fitzharris MLA: The answer to the Member's question is as follows:--**

City Rangers do not retain data about complaints relating to non-compliant signs that prove to be erroneous or require no action. Prior to attending a site in relation to a non-compliant sign, City Rangers generally conduct internal compliance checks to determine if a sign has been issued with a conditional permit or investigate if the sign meets the legislative requirements.

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- How many signs were only slightly non-compliant opposed to being excessively non-compliant?

**Ms Meegan Fitzharris MLA: The answer to the Member's question is as follows:--**

City Rangers investigate all complaints related to non-compliant signage but do not collect specific data on the "degree" of non-compliance. The course of action a City Ranger may take in managing a non-compliant sign depends on the risk of harm the sign may pose. For example, if a non-compliant sign is causing a danger or obstruction to traffic on a road or road related area, a ranger can immediately remove the sign. If the sign is deemed to be non-compliant but poses little or no risk of harm, a ranger may issue a direction for a person to remove the sign within 7 days. If the sign is not removed within the 7 days, the ranger may impound the sign and issue the owner an infringement for failing to comply with the removal direction.

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Asked by Mr Milligan:

**MR MILLIGAN:** *A supplementary to that. Self-regulation and relating to the federal consumer competition act, you have also got regulations in relation to what content can be advertised on ACTION buses. Would you be looking at implementing some of that into that self-regulation into private advertising what they can and cannot advertise? Will you be incorporating some of this, part of it or all of it, or is that already incorporated?*

**Mr Gentleman:** *I think that is up to the recommendations from the committee and what the community feels about that advertising. But certainly we can regulate further. It appears at this time that most people accept the regulations around advertising on ACTION buses. However, if there is commentary, you know, that has a different view, we would be interested in taking that on board.*

**Mr Ponton:** *And if I could just make the point that, of course, advertising on ACTION buses is not something that is managed by the planning system. So it would be—certainly the government can consider that through other means, but it is not something that would be appropriately dealt with through the planning system.*

**Mr Gentleman:** *Just to add, there are 14 specific links that TCCS has in regard to the approval of advertising rates on ACTION buses, each of them are quite detailed. We are happy to get those to you if you need.*

**MR MILLIGAN:** *Yes, that would be fantastic. And the process of that approval.*

In relation to: Bus advertising - Provide the 14 points (A-N in TCCS input) to Committee

**Ms Meegan Fitzharris MLA:** **The answer to the Member's question is as follows:—**

**Suitability of advertising materials to be displayed on ACTION buses**

To be displayed on ACTION buses, advertisements must be legal, meet Australian Advertising Standards (available at <https://adstandards.com.au>) and must not represent, portray or promote:

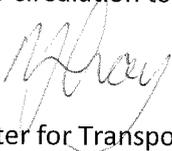
- a) a contravention of any legislation or regulation;
- b) tobacco or tobacco products;
- c) political or religious advertising. Advertising materials that are political party based are not permitted. Advertising materials that are political in nature but are related to a specific subject or issue will be considered on a case-by-case basis;

- d) weapons;
- e) junk food, or food providers determined by the ACT Government not to meet requirements under the ACT Government's healthy food and drink initiatives, or any other health policy put forward by the ACT Government. For further information on the types of foods and drinks that are/are not suitable to be advertised on ACTION buses, please refer to Appendix A of this Guide;
- 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 ACT Government and advised to Go Transit in writing.

These criteria are applied in the first instance by the ACT Government's bus advertising partner, forming part of the ACT Government's bus advertising content. The ACT Government retains the right of veto over any specific advertisement that it considers violates the criteria identified above.

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By the Minister for Transport and City Services, Meegan Fitzharris



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Asked by NICOLE LAWDER:

In relation to: Associated revenue

**MS LAWDER:** *Thanks. In your submission you talk about regulation in other jurisdictions and at one point on page 11 it says there are concerns with the dependence on the associated revenue. Do you know from that, is it a one-off charge or is it an annual fee that is charged? Do you have any ideas?*

**Mr Gentleman:** *We have put some references at the bottom to those particular jurisdictions.*

**MS LAWDER:** *But that particular paragraph does not have a reference on page 11. It says other cities nationally and internationally blah, blah, blah. I doing so some cities suggest concerns with a dependence on the associated revenue. I just wondered whether what the regime was? Is it a one-off approval fee or is it an ongoing annual fee?*

**Mr Ponton:** *Look, I am sure there is a combination of all of those. Perhaps we could take it on notice and come back to you with some more detail.*

**MS LAWDER:** Sure. That would be good.

**MINISTER GENTLEMAN:** The answer to the Member's question is as follows:—

Your question seems to refer to the following paragraph on page 11 of the submission:

*“Other cities, nationally and internationally, have permitted outdoor advertising more extensively than Canberra. In doing so, some cities suggest concerns with a dependence on associate revenue as well as the issue of when advertising dominates cityscape.”*

No specific research was done in preparing the submission into fees charged for outdoor advertising and its dependence on associated revenue in other cities.

However, an article cited in the submission on page 11 states that:

*“Advertising helps to fund some city infrastructure – such as the proposed new free WiFi booths in New York City – and in return, it insinuates itself semi-permanently into the environment.*

*Entirely ridding a city of its advertising and truly rebalancing public space is a long process of untangling public infrastructure from private interests.*

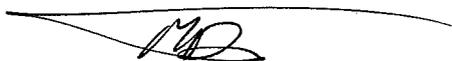
*"It's an expensive proposition, too. The outdoor advertising companies would have you believe that cities can't actually afford to buy back their public space; that without their patronage, public infrastructure will become an enormous tax burden or fall apart. Advertising is, indeed, an important source of revenue for many cities. In the UK, cuts to public funding have made some local councils heavily reliant on it. Between 2010 and 2016, the government will have cut Islington council's funding in half. James Murray, executive member for housing development in Islington, notes that the enormous cuts have forced the council to seek new revenue – and advertising is an important stream.*

*"Grenoble, for its part, says it can balance its books sans billboards. The Mayor's office claims that, although it used to earn £470,000 a year from street ads, this was expected to drop to around £105,000 in 2015 because of a slump in advertising rates. The city says it has already made up for lost revenue by cutting entertainment expenses and councillors' allowances."*

This article can be accessed at [www.theguardian.com/cities/2015/aug/11/can-cities-kick-ads-ban-urban-billboards](http://www.theguardian.com/cities/2015/aug/11/can-cities-kick-ads-ban-urban-billboards).

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Asked by NICOLE LAWDER:

In relation to: Cities reducing billboards

*MS LAWDER: Note, it says some cities have started to reclaim public space and take away and minimise. Do you know on those, and it has got an example, a reference to Grenoble, I think, and some other places. But do you know why particular cities are reducing it? Is it about visual pollution? Is it visual amenity, distraction? Do you know on what basis they were starting this process of reducing?*

*Mr Gentleman: I am just looking at one of the references now in regard to Philadelphia, and it talks about the input from the community, really, and what they thought about those particular signs.*

*MS LAWDER: Yes, Philadelphia, I think, is a slightly different example.*

*Mr Gentleman: Yes.*

*MS LAWDER: On that page about digitising. But a couple of paragraphs above, about banning the erection of billboards and some states in the US are billboard free. But I was just interested in the research that you did, whether you knew what prompted that reduction.*

*Mr Ponton: Off the top of my head, no. It has been a little while since I have looked at those references. I am happy to come back to you, having a look at those references. But I suspect it was to do with, you know, reducing the visual impact that too many signs can have in certain cities. But I am happy to come back to you.*

*MS LAWDER: Thank you.*

**MINISTER GENTLEMAN:** The answer to the Member's question is as follows:—

The cities cited in the government's submission (p11) include Sao Paulo, Chennai, Grenoble, Tehran, Paris, New York and several other cities in the United States (US).

These cities are rethinking their policies around supporting outdoor commercial advertising signage, for the following reasons:

- It may be considered a form of visual pollution and the numbers are difficult to control;
- It incorporates targeted branding messages into the everyday landscape of the city and becomes part of fabric of the environment where it is placed;
- The constant bombardment of brands that advertise on street structures become part of the public social space of cities, entering people's thoughts and conversations and impacting on peoples' cultural lives;
- It exposes previously overlooked architecture and reduces the clutter of signage to enable the unique character and cultural heritage of cities to resurface; and
- It takes advertising and commercial interests from public spaces to allow areas for public expression and respond to people's wishes that advertising should be less intrusive.

These cities are making changes to outdoor commercial advertising signage through the following measures:

- Sao Paulo in Brazil totally banned the use of all outdoor advertisements, including on billboards, with a Clean City Law introduced in 2006 (but five years later, began to gradually reintroduce it in a controlled manner);
- Several US states including Vermont, Maine, Hawaii and Alaska are billboard-free;
- Philadelphia introduced new laws in 2015 so that existing static billboards could be converted to digital in certain parts of the city, as long as the owner removes two other static billboards;
- New York City's subway ads can be virtually replaced with street art via the use of a free iPhone app introduced in 2014;
- Chennai in India banned the erection of billboards in 2009;
- Tehran in Iran replaced all of its 1,500 billboards with art for 10 days in early 2015;
- In France, Paris set out plans in 2011 to reduce the number of ad hoardings by a third, and Genoble became the first city in Europe to ban commercial street advertising in 2014; and
- Other cities have replaced advertising signage with 3D, digital and graffiti artworks.

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