

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	84
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Dear Chair,

Re: Submission to Standing Committee on Planning and Urban Renewal Inquiry into Billboards.

I am making a submission to the standing committee on this matter, as I believe that I am able to provide an experienced perspective from a person who has used billboards for community and political purposes. I am concerned that the scope of the review covers all billboards, and may make recommendations on small billboards used for political purposes during an election campaign, without considering input from actors engaged in that process who are not members of a political party.

Comments in this submission regarding billboards are therefore limited to small billboards used for community and political purposes, known colloquially as 'corflutes'. I have no view on commercial billboards or billboards used by businesses. Nor do I have a view on political billboards placed on vehicles.

The current legislation, regulation and enforcement of billboards are adequate and do not need to be expanded upon with an intent to further limit the location, type and duration of display that the existing regulations allow. It is an important element of community and public discussion and the democratic process that should be enhanced, not limited. I would observe that recommendations to place limits on small billboards for political and community purposes may contravene Section 14 (1)b of the Human Rights Act 2004.

In September and October 2016 a community organisation that I was involved with distributed small billboards around Canberra in the latter weeks of an election period. We did not receive a single complaint from any member of the public or the ACT Government agencies charged with the responsibility to monitor, and remove if required, these small billboards.

Aside from comments in the mass media, some local blogs, and a few particularly obsessed individuals, there does not appear to be any community angst regarding these small billboards. Not one member of the public has ever personally complained to me in person or by email about billboards used for community or political purposes. In fact the opposite occurred – ACT Light Rail was contacted during and after the campaign by individuals who wanted our small billboards (and indeed many were souvenired during the campaign).

The reasons that our community organisation chose to use small billboards were cost, distribution and visibility. We spent so little on the 2016 election that we did not fall under the ACT Electoral act for third party organisations (nevertheless, we did supply spending details in the interests of transparency). The low cost of entry to this medium by individuals and community groups provides the most level of playing fields for community and independent political organisations to access. A small outlay of some hundreds of dollars enables an independent or community group to have their message placed before the public.

With no budget for advertising, and a refusal by the Canberra Times to publish articles submitted to it, or for their journalists to engage with our organisation, we had only one avenue available to place our message before the Canberra public. Placing small billboards on the roadside, in accordance with the regulations covering this practice during an election campaign.

One of the few stories in the mainstream media concerning minor parties or independent candidates in the 2016 campaign specifically focussed on the small billboard candidates were using. Advertising is expensive in the mainstream media, and small organisations are of no interest to media outlets such as the Canberra Times or the Australian Broadcasting Corporation. Indeed, during an election campaign they focus mainly on the primary political parties and unless something controversial occurs, coverage of smaller organisations or parties is minimal. Small billboards are a cost effective way to place a message in front of the public.

The reduction in the electoral spending cap limiting a candidate to \$40,000 further limits non-party aspirant politicians from advertising their cause or message, except by using low-cost methods. Limiting any further the use and placement of these small billboards, would severely impact the political process and harm the community through its ability to become aware of all political aspirants, and their messages. A strong democracy like the ACT, needs this low cost and infrequent practice, to ensure that it remains healthy and robust.

Future technologies may make these small billboards obsolete, but those technologies are not here yet. The electoral spending regulations may make it difficult for independent and community organisations to utilise any new technology. Social media is a useful medium to distribute messages, however it is limited by the 'siloing effect' and further domination of social media into 'walled gardens' such as Facebook that limit by algorithms the messages that people may receive in their feeds.

Another important aspect that may be considered by the committee is placement of billboards on suburban streets and arterial roads. I would urge the committee to refrain from limiting the ability of individuals to place small billboards at their homes. It would be a severe infringement on the individual right of a person to express their political opinion, and a dangerous limit on free speech that could contravene Section 16 of the Human Rights Act 2004.

I would also urge the committee to refrain from recommending aesthetic regulation. Beauty is in the eye of the beholder, and the electoral act and defamation law can test statements. As garish as they may be in both artistic and political statement, they represent the individual or party and provide a mechanism for a member of the public to form a view of the policy, character and judgement based on the small billboards.

The existing regulations covering small billboards for political and community purposes are adequate, and already enforced. The period in which small billboards are displayed, and then removed is adequate and needs no modification. Elections are infrequent and although members of the public may not like seeing corflutes

festooning the suburban streets and arterial roads of Canberra, it is an important democratic mechanism, and should not face further regulation.

Regards

Damien Haas

20 June 2017

