



**ADVERTISING  
STANDARDS  
BUREAU**

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Ms Natalya Wells  
A/g Inquiry Secretary  
House of Representatives Standing Committee on Social Policy and Legal Affairs  
PO Box 6021  
Parliament House  
Canberra ACT 2600  
[By email: [spla@aph.gov.au](mailto:spla@aph.gov.au)]

Dear Ms Wells

#### **ASB response to additional Committee questions**

Thank you for your letter of 27 April 2011 setting out additional questions the Committee asked to be put in writing that were unable to be covered during the hearing on Monday 4 April 2011. The Advertising Standards Bureau (Bureau) provides the following responses to those questions:

#### **AANA Code of Ethics document and "Review" information**

- 1. On the last page of the AANA document titled "Code of Ethics", there is a section headed 'Review' in which it says: **Unless exceptional circumstances apply, within 10 business days of receipt of the request, the Independent Reviewer will make a recommendation (including reasons for the decision/recommendation and copies of any material relevant to the recommendation) to the Board, stating whether the decision should be reviewed, amended or confirmed. This recommendation will remain confidential until the Board's decision is published. Why does the Independent Reviewer's recommendation remain confidential until the Board has published its subsequent decision?***

The information the Committee refers to is included as an attachment to the AANA Code of Ethics in its submission to the inquiry. The AANA includes an outline of the Bureau's complaints process, including the independent reviewer process, as an attachment to its Code of Ethics for information purposes. Unfortunately, the information included by the AANA in this instance was based on an earlier version of the complaint process which is out of date. We have notified the AANA about this and requested that they remove or modify this information to be consistent with the information available on the Bureau

website. We have also acted to ensure printed copies of obsolete versions of the complaint process are destroyed to avoid any further confusion.

Current information about the Independent Reviewer process is provided in the Independent Reviewer factsheet attached as Attachment C to the Bureau's submission to the inquiry. It is not currently the case that the Independent Reviewer's recommendation remains confidential until the Advertising Standards Board has published its decision following the Independent Reviewer's recommendation.

The parties to the review process (the person who requested the review and the respondent) are notified of the Independent Reviewer's recommendation once it is advised to the ASB. As far as we are aware, this has always been the case. It may have been that when drafting the original process, confidentiality of the Independent Reviewer recommendation until final publication of that recommendation along with further Board decision (where relevant) was appropriate, although this has not been the procedure in practice. The Independent Reviewer recommendation is fully disclosed along with the Board's final determination (if applicable) when the case report is published on the Bureau website.

Following the review of the Independent Reviewer process in 2010-2011 the Bureau is now working with our IT providers to amend our system so that the status of a case once an Independent Review has been requested is part of the information publicly available about a particular case.

### **Public awareness campaign**

- 2. On page 13 of your submission, you advise that the awareness-raising campaign of 2008 will be extended to outdoor advertising in 2011. Can you tell us when this campaign will run on billboards?*

The Bureau is working with the OMA and our creative agency to extend our awareness-raising campaign to outdoor advertising. The current plan is to have advertisements running soon after mid-year.

### **Awareness of the complaints system**

- 3. Many submissions have highlighted that the complaints system is not well understood in the community. In addition to improving awareness of the system, does the ASB seek out, or request referrals of, complaints made to other bodies, such as advertisers themselves or local councils or state/federal MPs?*

As highlighted in the Bureau's submission and during the hearings, the Bureau works hard to ensure the accessibility and transparency of the complaints process. The process is clearly set out on the Bureau's website and available to any member of the public who requests a copy. In addition to the public awareness campaign launched by the Bureau in 2008, as noted in response to the last question, the Bureau is extending that campaign later this year.

However, the awareness campaign is only one avenue to ensure the public is aware of the Bureau's role in administering complaints about advertising. The Bureau works closely with other industry bodies to ensure that their members are aware of the Bureau's complaint process and refer complaints they receive

directly to us. For example, complaints are regularly forwarded to the Bureau from television and radio stations. Additionally, links and information about the Bureau are provided on the websites of various industry bodies ensuring consumers seeking to make a complaint about advertising are directed to us. For example, such information can be found on the websites of the following organisations:

- The Australian Association of National Advertisers (AANA)
- The Outdoor Media Association
- FreeTV Australia
- Commercial Radio Australia
- The Australian Subscription Television and Radio Association (ASTRA)
- Publishers' Advertising Advisory Bureau Australia
- Media Federation of Australia
- The Communications Council
- The Alcohol Beverages Advertising Code (ABAC) Scheme

Information about the Bureau and how to make a complaint is also available on a number of consumer lobby groups websites including [Kidsfree2bekids.com.au](http://Kidsfree2bekids.com.au) and [junkbusters.com.au](http://junkbusters.com.au).

The Bureau also works with government departments at the state and federal level in ensuring complaints relevant to the role of the Bureau are forwarded to us for consideration. This includes providing information sheets to government bodies to ensure the complaints referred to the Bureau do in fact fall within the Board's remit.

Additionally, many government bodies responsible for handling complaints, particularly those in the media sector, include information on their websites referring members of the public to the Bureau for advertising related complaints. For example, Bureau details or links to the Bureau website are listed on the following government websites providing another avenue for consumers to identify the Bureau as the body responsible for administering advertising related complaints:

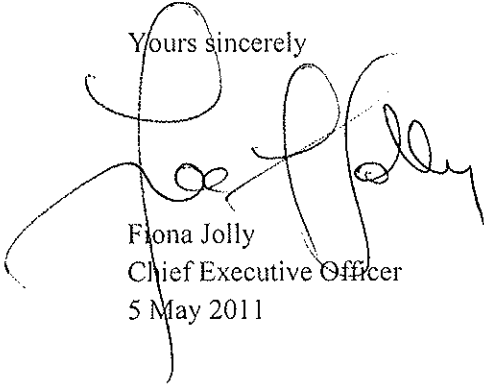
- Australian Communications and Media Authority (ACMA)
- Department of Broadband, Communications and the Digital Economy
- Australian Competition and Consumer Commission (ACCC)
- The Australian Government Classification Website
- NSW Fair Trading
- Queensland Office of Fair Trading.

The Bureau does not ask members of parliament to forward complaints to us, however the Bureau has received a number of complaints directed to us via State or Federal members of parliament to which we always respond.

We do not ask advertisers to provide us with details of complaints made directly to them. We do however receive some complaints where the consumer has first approached the advertiser directly and then decided to pursue the issue with the Bureau.

We hope that this information is satisfactory for the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fiona Jolly', written in a cursive style. The signature is positioned to the left of the typed name and title.

Fiona Jolly  
Chief Executive Officer  
5 May 2011