

# Draft Advertising Policy

## Recommendation(s)

That the Board:

- i. Review and, subject to any amendment, approve the attached Advertising Policy.

## Executive summary

On amalgamation a number of contractual arrangements with regards to revenue generating advertising on assets, particularly in the public transport realm, vested in Auckland Transport.

The purpose of the attached policy is to set out high level principles governing the approval or rejection of advertisements which may appear on Auckland Transport infrastructure, facilities and services.

## Strategic context

Advertising on AT infrastructure, facilities and services can also be used to provide public service information (e.g. our own public transport service promotion and road safety campaigns) as well as leveraging revenue from commercial advertising to offset operating costs.

As with any public or corporate body, Auckland Transport is required to adhere to relevant legislation. In New Zealand, the advertising industry is largely self-regulating. The codes of practice adopted by the Advertising Standards Authority provide the rules by which all advertisements in all media should comply. In 1991, the New Zealand Government supported the management of advertising standards and complaints passing to self-regulatory bodies established by the advertising industry. This was a recommendation of a Cabinet paper after a review of the Broadcasting Standards Authority. Self-regulation does not replace the legal framework that affects advertising. Self-regulation works as a complement to legislation, of which there are more than fifty, affecting advertising. These include:

Fair Trading Act (1986), Sale of liquor Act 1989, Smoke Free Environments Act (1990), Gambling Act (2003), Electoral Act (1993), Major Events Management Act (2007), Human Rights Act (1993).

Auckland Council has specific responsibilities under the Gambling Act (2003), and Racing Act (2003) and consequently has adopted a policy of limiting the number of TAB outlets as well as a sinking lid policy on pokie machines. Auckland Council is also developing a local alcohol policy (LAP) which will govern the sale, supply and consumption of alcohol within the district. This will be released for full public consultation in early 2014.

While there is significant work underway to review both Auckland Council and Auckland Transport signage bylaws and to align these with the Unitary Plan provisions regarding signage, neither Auckland Council nor Auckland Transport have a policy on advertising content standards for revenue generating assets.

## Background

Auckland Transport has a significant number of contracts which generate advertising revenue. The majority of these were inherited from legacy Council organisations as a result of the super city amalgamation. An internal review of these contracts is underway as part of a revenue development strategy. Part of this review is to develop a policy document that provides a consistent set of advertising standards for the organisation to administer. .

This draft policy has been used as a working guideline over last 18 months. Additionally;

- Refinements have been made as AT has responded to a variety of situations regarding advertising content approval.
- Development has been in consultation with all parts of the AT business as well as being presented to Auckland Transport's three largest advertising partners for feedback.

At its meeting on 10 April 2014 the Customer Focus Committee reviewed a draft policy and provided direction, particularly in the area of alcohol and gambling related advertising. That direction has been incorporated (clauses s-u in the attached).

## Issues and options

The draft policy includes a number of standard requirements which relate to issues that could broadly be described as community standards, e.g. decency and, social or moral propriety etc.

Once adopted it is proposed that public transport operators be encouraged, and if possible required under the PTOM negotiations, to adhere to the Advertising Policy

## Next steps

Once approved by the Board the policy will be published on the AT website and be provided to individuals or organisations proposing to submit advertising for appearance on AT's assets or services.

## Attachments

Number	Description
1	Draft Advertising Policy

## Document ownership

Submitted by	Ian Robertshaw <b>Public Transport Business Development Manager</b>	
Recommended by	Wally Thomas <b>General Manager Communications</b>	
Approved for submission	David Warburton <b>Chief Executive</b>	

## 1 Advertising Policy Purpose

- 1.1 The purpose of this policy is to set out high level principles, together with a decision making framework and criteria, governing the approval of advertisements which appear on Auckland Transport's infrastructure, facilities and services.

## 2 Definitions

- a) **Advertisement** or **advertising** means any advertisement in any form proposed to appear on Auckland Transport's infrastructure, facilities and services.
- b) **Applicant** means the person seeking approval for an advertisement to appear on Auckland Transport's infrastructure, facilities and services.
- c) **ASA** means the Advertising Standards Authority.
- d) **Auckland Council Group** means all Council Controlled Organisations and Council Organisation, those terms having the meaning given in the Local Government Act 2002, of Auckland Council and Auckland Council.
- e) **Days** means any day not being a *public holiday* and excludes any applicable *closedown period*, such terms to have the meaning given to the in the Holidays Act 2003.
- f) **AT** means Auckland Transport.
- g) **AT infrastructure, facilities and services** means any infrastructure, facilities and services operated, managed or controlled by or on behalf of AT on which AT has the right to approve advertisements, including but not limited to:
  - (i) Rail services and facilities;
  - (ii) Bus services and facilities;
  - (iii) Ferry services and facilities;
  - (iv) Roads as defined in the Local Government Act 1974;
  - (v) Off-street car parks;
  - (vi) Park and Ride facilities;
  - (vii) Interchanges
  - (viii) Access ways for which Auckland Transport is responsible.

## 3 Required standards

- 3.1 No party may use the Auckland Transport brand or its name, logos, trade-marks or service marks or refer to the Auckland Transport brand, name, logos, trade-marks or service marks directly or indirectly in any media release, public announcement, advertising or public disclosure without Auckland Transport's prior written approval.
- 3.2 Advertisements will not be approved, or permitted to remain on AT's infrastructure, facilities or services if, in AT's sole discretion, the advertisement falls within any of the following categories:
- a) The advertisement may not comply with the NZ Advertising Standards Authority code of ethics and specific codes;
  - b) The advertisement is reasonably likely not to comply with any law, bylaw or regulation or may incite someone to break the law;

- c) The advertisement is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement or by way of inference;
- d) The advertisement depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context;
- e) The advertisement depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- f) The advertisement relates to the sex industry including the provision of related products and services
- g) The advertisement depicts direct or immediate violence to anyone shown in the advertisement.
- h) The advertisement condones or provokes anti-social behaviour.
- i) The advertisement relates to films which have not been granted permission for public exhibition or which do not show the Office of Film & Literature Classification certificate.
- j) The advertisement contains images or messages which relate to matters of public controversy and sensitivity.
- k) The advertisement refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to AT.
- l) The advertisement contains negative references to AT's services or those services provided or regulated by other members of the Auckland Council Group.
- m) The advertisement is likely to be defaced due to the subject matter or due to the inclusion of a high proportion of blank space.
- n) The advertisement may adversely affect in any way the interests of the site owner.
- o) The advertisement relates to products, services or activities that are in conflict with Auckland Transport safety and community objectives.
- p) The advertisement relates to a political party or parties or a political cause.
- q) The advertisement uses handwriting or illustrations that would suggest the advertisement has been damaged, defaced; fly posted or subject to graffiti, after it has been posted.
- r) The positioning, erection, content or method of display of any advertisement must not pose a health and safety risk as determined by Auckland Transport or its advisors at their sole discretion.
- s) The advertisement promotes gambling or gambling related activities.
- t) The advertisement promotes alcohol brands or products.
- u) Preference will be given to advertising which supports health and healthy lifestyle choices.
- v) Such further advertising requirements specified by AT from time to time.

## **4 Approval or rejection of advertisement to appear on an AT infrastructure, facility or service**

### ***Decision to approve or reject advertising***

- 4.1 A decision as to whether an advertisement complies with the standards required by this guideline shall be the responsibility of the General Manager Communications and may be delegated to staff identified in clause 7 below.
- 4.2 Prior to deciding whether an advertisement complies with the standards required by this guideline, the General Manager Communications may consult the NZ Advertising Standards Authority as to whether the advertisement complies with that authority's code of ethics and specific codes. The response from the NZ Advertising Standards Authority may be taken into account when determining whether an advertisement complies with the standards required by this policy.
- 4.3 The General Manager Communications shall notify the applicant within five days following receipt of the advertisement whether the advertisement is approved or is rejected. Notification is deemed given if posted to applicant's last known address, emailed to the applicant's email address and if the applicant acknowledges receipt, or sent by facsimile to the applicant's facsimile number and if the sender's facsimile machine confirms transmission to the applicant.

### ***Proposed rejection of advertising***

- 4.4 If the General Manager Communications considers that the advertisement does not comply with the standards contained in this policy and should be rejected, they may propose or invite from the applicant variations to the advertisement to achieve compliance with the standards required by this policy.

### ***Rejection of advertising***

- 4.5 If the advertisement is rejected, the notification referred to in paragraph 4.3 may include details of the reasons why the General Manager Communications considered that the advertisement did not comply with the standards contained in this guideline, however, the General Manager Communications shall not be obliged to provide such reasons.

## **5 Decisions by the General Manager Communications**

- 5.1 The General Manager Communications reserves the right to remove or to request the removal of any advertisement that, in Auckland Transport's reasonable opinion, does not or is found not to comply with this policy.

## **6 Approval and amendment of policy**

- 6.1 This policy was approved by the Auckland Transport Board.
- 6.2 This policy will be subject to review within 12 months of its approval or otherwise as considered necessary by the Auckland Transport Board or Chief Executive.

## 7 Delegates

7.1 The following positions are delegated to act on behalf of the General Manager Communications in respect of this policy.

Bus, Train and Ferry Facilities and services	Bus, rail and ferry service managers
On street, road corridor, walkways, bridges	Manager Road Corridor Operations
Car Parks and Park and Ride	Manager Parking and Enforcement
Communications	Manager Communications