



## FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: 24-097

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Published
5. Additional information identified	Not applicable
6. Fees	Not applicable
7. Processing time (in working days)	45 days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not applicable
10. Decision made by ACAT	Not applicable
11. Additional information identified by ACAT	Not applicable

**From:** [REDACTED]  
**To:** [TCCS\\_FreedomOfInformation](#)  
**Subject:** FOI Request  
**Date:** Tuesday, 25 June 2024 9:01:24 AM

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**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear FOI Officer,

As per the information provided at [https://www.cityservices.act.gov.au/about-us/freedom\\_of\\_information](https://www.cityservices.act.gov.au/about-us/freedom_of_information), I am seeking the release of the below information that provides benefit to the public, specifically, on how the ACT government is taking proactive measures to safeguard Canberra citizens from being subjected to advertising that it is not in-line with our community values. i.e. by not allowing children to be subjected to junk food advertising on buses.

I am seeking information relating to the establishment of the criteria of advertising requirements for Canberra buses and light rail at <https://www.transport.act.gov.au/contact-us/advertise-with-us> (also provided below for completeness)

- Please include the basis for the policy, when it was decided, and the process to decide them, including consultations and forward plans.
  - Please include any information, correspondence, or consideration of how they should apply to bus and light rail furniture (e.g. bus stops), specifically in relation to meeting policy objectives, values of the Canberra community and ACT Government objectives.
  - This should include any information in relation, or progress, to where the government has previously stated “The ACT Government is currently reviewing the terms of it’s bus shelter advertising contract, with the aim of ultimately bringing it into line with other Territory advertising standards”.
- Please include the referenced “values of the Canberra community and ACT Government objectives”
  - Please include any information on how those values or objectives were established, consultations, or forward plans for them.

For completeness of the FOI request in relation to the public accessing this information in the future via the FOI register, the ACT government outlines the following advertising restrictions at the above website: “Ads must be legal, meet [Australian Standards](#), and not represent, portray or promote:

- a contravention of any legislation or regulation;
- tobacco or tobacco products;
- political or religious advertising (note, ads that are political in nature but related to a specific subject or issue may be considered on a case-by-case basis);
- weapons;
- high cost, short term (‘payday’ style loans) credit, or spruik ‘fast’ and ‘easy’ access to credit, or suggest that loans or credit are a suitable means of addressing ongoing financial concerns or condone non-essential or frivolous spending.
- junk food, fast food or unhealthy food and drinks as defined by the Australian Dietary Guidelines and associated Australian Guide to Healthy Eating;

- gambling;
- alcohol;
- fossil fuels;
- a message that demeans or discourages the use of public transport;
- a message that demeans public transport users;
- a message that promotes unacceptable behaviour to or on the transport vehicle;
- a message that poses either a danger or confusion to traffic, or a risk to the health or safety of the public generally;
- a message that can be deemed offensive or demeaning to specific community groups (i.e. religious, ethnic, women, etc.); or
- other matters, as may be determined by the ACT Government.”

Warm Regards,

[REDACTED]

[REDACTED]



Dear [REDACTED]

### Freedom of Information Request - Reference 24-097

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 25 June 2024. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act 2016* (FOI Act):

*“information relating to the establishment of the criteria of advertising requirements for Canberra buses and light rail at <https://www.transport.act.gov.au/contact-us/advertise-with-us> (also provided below for completeness)*

- *Please include the basis for the policy, when it was decided, and the process to decide them, including consultations and forward plans.*
- *Please include any information, correspondence, or consideration of how they should apply to bus and light rail furniture (e.g. bus stops), specifically in relation to meeting policy objectives, values of the Canberra community and ACT Government objectives.*
- *This should include any information in relation, or progress, to where the government has previously stated “The ACT Government is currently reviewing the terms of it’s bus shelter advertising contract, with the aim of ultimately bringing it into line with other Territory advertising standards”.*
- *Please include the referenced “values of the Canberra community and ACT Government objectives”*
- *Please include any information on how those values or objectives were established, consultations, or forward plans for them.”*

I thank you for including the following information for context to your application:

*“For completeness of the FOI request in relation to the public accessing this information in the future via the FOI register, the ACT government outlines the following advertising restrictions at the above website: “Ads must be legal, meet Australian Standards, and not represent, portray or promote:*

- *a contravention of any legislation or regulation;*
- *tobacco or tobacco products;*
- *political or religious advertising (note, ads that are political in nature but related to a specific subject or issue may be considered on a case-by-case basis);*
- *weapons; high cost, short term (‘payday’ style loans) credit, or spruik ‘fast’ and ‘easy’ access to credit, or suggest that loans or credit are a suitable means of addressing ongoing financial concerns or condone non-essential or frivolous spending.*
- *junk food, fast food or unhealthy food and drinks as defined by the Australian Dietary Guidelines and associated Australian Guide to Healthy Eating;*
- *gambling;*
- *alcohol;*

- *fossil fuels;*
- *a message that demeans or discourages the use of public transport;*
- *a message that demeans public transport users;*
- *a message that promotes unacceptable behaviour to or on the transport vehicle;*
- *a message that poses either a danger or confusion to traffic, or a risk to the health or safety of the public generally;*
- *a message that can be deemed offensive or demeaning to specific community groups (i.e. religious, ethnic, women, etc.); or*
- *other matters, as may be determined by the ACT Government.”*

### **Timeframes**

In accordance with section 40 of the FOI Act, TCCS was required to decide on your application by 6 August 2024. I thank you for agreeing to an extension until 27 August 2024.

### **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the FOI Act.

### **Decision on access**

In accordance with the FOI Act, a search of TCCS records has been completed and nine relevant records have been identified. A list of the relevant records is enclosed at [Attachment A](#).

In reviewing these records, it was identified that two of the records are currently available to the public. In accordance with section 43 of the FOI Act, I am refusing to deal with your application as it applies to these records because they are already available to you (section 45). I have included links to where you can access these records in the schedule at [Attachment A](#).

Upon reviewing the information within the remaining records and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with:

- Full access to five records;
- Partial access to one record; and
- Refuse access to one record.

The reasons for my decision are detailed below in the statement of reasons.

A copy of records I am providing full and partial access to are enclosed at [Attachment B](#), with redactions applied to information I have found contrary to the public interest to disclose.

### **Statement of Reasons**

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The *Human Rights Act 2016*.

In making my decision on disclosing the relevant government information, I must identify all relevant factors in schedule 1, which contains a list of information types that are deemed to be contrary to the public interest. Where schedule 1 does not apply to some or all of the information within relevant records, I must consider the public interest test set out in section 17 of the FOI Act, whereby factors favouring disclosure (schedule 2.1) and factors favouring non-disclosure (schedule 2.2) are weighed to determine on balance, where the public interest lies. In making my decision, I also confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act which contains a list of factors which must not be taken into consideration.

**Schedule 1:**

- Schedule 1.2 – Subject to legal professional privilege

In the review of the relevant records, I have identified information within five other records which were created in the process of drafting record three as containing information subject to legal professional privilege. As the information in this record would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege in its entirety, I find that schedule 1.2 is applicable. I refuse access to this information as it is deemed to be contrary to the public interest.

**Public Interest test:**

**Factors favouring disclosure in the public interest (Schedule 2.1)**

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;
- Schedule 2.1(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

**Factors favouring non-disclosure (Schedule 2.2)**

- Not applicable.

In reviewing the remaining information within scope of your application, I have identified information that is likely to promote a positive and informed debate on important issues or matters of public interest. I note that the information relates to advertising guidelines on buses, lightrail, as well as continuing government actions to extend these policies to bus shelters.

I have also considered that disclosure provides contextual information around a government decision, government operations, and promotes open discussion of public affairs and enhances government's accountability generally. Further, I also acknowledge that the pro-disclosure bias requires the public interest test to be approached on the basis that there are not simply empty scales in equilibrium, waiting for arguments to be put on each side. Rather, the scales are loaded in favour of disclosure.

In my review of the remaining information, I did not identify any factors favouring non-disclosure. In this instance, I find that disclosure is, on balance, in the public interest.

I find that the factors favouring disclosure can be met with the deletion of information which is deemed to be contrary to the public interest under schedule 1. A copy of the relevant information containing redactions is enclosed at Attachment B.

**Charges**

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application. No fee is applicable as the total number of pages disclosed to you falls within the fee-free threshold.

**Online publishing – disclosure log**

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents will be published in the TCCS disclosure log between 3 – 10 business days from the date of this decision. Your personal contact details will not be published. You may view the TCCS' disclosure log [here](#).

**Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log, or a longer period allowed by the Ombudsman. If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

**ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal  
GPO Box 370  
CANBERRA CITY ACT 2601  
[www.acat.act.gov.au](http://www.acat.act.gov.au)

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to [tccs.foi@act.gov.au](mailto:tccs.foi@act.gov.au).

Yours sincerely



Lisa Johnson  
Information Officer  
27 August 2024

## ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

**Reference Number: 24-097**

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: [https://www.cityservices.act.gov.au/about-us/freedom\\_of\\_information/disclosure-log](https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log)

### Factors favouring non-disclosure:

Schedule 1.2 – Legal professional privilege

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	Email - Buses will no longer advertise junk food, alcohol, gambling and weapons	28 September 2015	Full access	Not applicable	Decision to be published on the <a href="#">TCCS Disclosure Log</a> .
2	2 - 4	Email - RE ACTION Advertising restrictions	30 September 2015	Partial access	Legal professional privilege	
3	-	Email - RE Bus advertising - discuss	1 October 20204	Refused	Legal professional privilege	
4	5	ACT Advertising Restrictions	29 October 2015	Full access	Not applicable	
5	6	Advertising on ACTION Buses tabled 29 Oct	29 October 2015	Full access	Not applicable	

6	-	Services Agreement, Design, Installation and Maintenance of Bus Shelters with Advertising in the Act	June 2006	-	Publicly available <a href="#">here</a>	
7	-	Healthy Canberra ACT Preventive Health Action Plan 2023-2025	2023	-	Publicly available <a href="#">here</a> . See page 26.	
8	7 - 10	Email - FW_ ACT Food and Drink Marketing Guideline - Transport Canberra buses and light rail	18 June 2024	Full access	Not applicable	
9	11 - 22	ACT Healthy Food and Drink Marketing Criteria and Guideline - 2024	June 2024	Full access	Not applicable	





## Shane Rattenbury MLA

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES  
MINISTER FOR JUSTICE  
MINISTER FOR SPORT AND RECREATION  
MINISTER ASSISTING THE CHIEF MINISTER ON TRANSPORT REFORM

MEMBER FOR MOLONGLO

# MEDIA RELEASE

28 September 2015

## Buses will no longer advertise junk food, alcohol, gambling and weapons

Minister for Territory and Municipal Services, Shane Rattenbury, today announced changes to the ACTION buses advertising policy to restrict the promotion of junk food, alcohol, gambling, fossil fuels and weapons.

“The current ACTION advertising policy restricts the type of material that can be promoted, including political or religious advertising, tobacco products and anti-social or offensive messages,” said Mr Rattenbury.

“As a Government provided service, it is our responsibility to ensure that the products and messages that we promote on our public buses are suitable and appropriate for the broader population and in line with the values of the Canberra community and Government objectives.

“I have taken the decision to expand this policy to include other products or industries that are either damaging to the health of the population or environment or that promote weapons.

“ACTION buses travel right across our city and most people travelling about Canberra will encounter a bus most days of the week. Advertising on our buses is clearly a good way to reach a large cross-section of the community.

“In particular, a significant number of ACTION passengers who are school-aged children. I think it is really important that we don’t have alcohol, junk food and gambling advertised on our buses.

“In 2013, as part of the Zero Growth campaign, the ACT Government committed to restricting the advertising of unhealthy foods within the government’s regulatory control. This announcement follows a number of other initiatives from the ACT Government to improve the health of Canberrans and work towards our Zero Growth target.

“Given that the ACT Government recently made a decision to divest from fossil fuels due to the impact they have on the environment, it is only appropriate that we don’t promote investment in fossil fuels on our publicly owned buses.

“We have also recently seen the launch of a community campaign to remove weapons advertising at the Canberra Airport, as this advertising does not represent the Canberra community nor does it reflect the image we want visitors to Canberra to see. I think the same should be said for our ACTION buses as a reflection of our Canberra community.

While the Federal Government retains regulatory control of substantial advertising policy, it is important that the ACT Government does what it can to ensure that the advertising on our public assets is suitable and appropriate and in line with the values of the Canberra community.

**Statement ends**

**Media Contact:** Ali Jaques    **Ph:** (02) 6205 3897 (w)    0481 035 764 (m)

ACT Legislative Assembly

Phone: (02) 6205 0005    Email: [rattenbury@act.gov.au](mailto:rattenbury@act.gov.au)

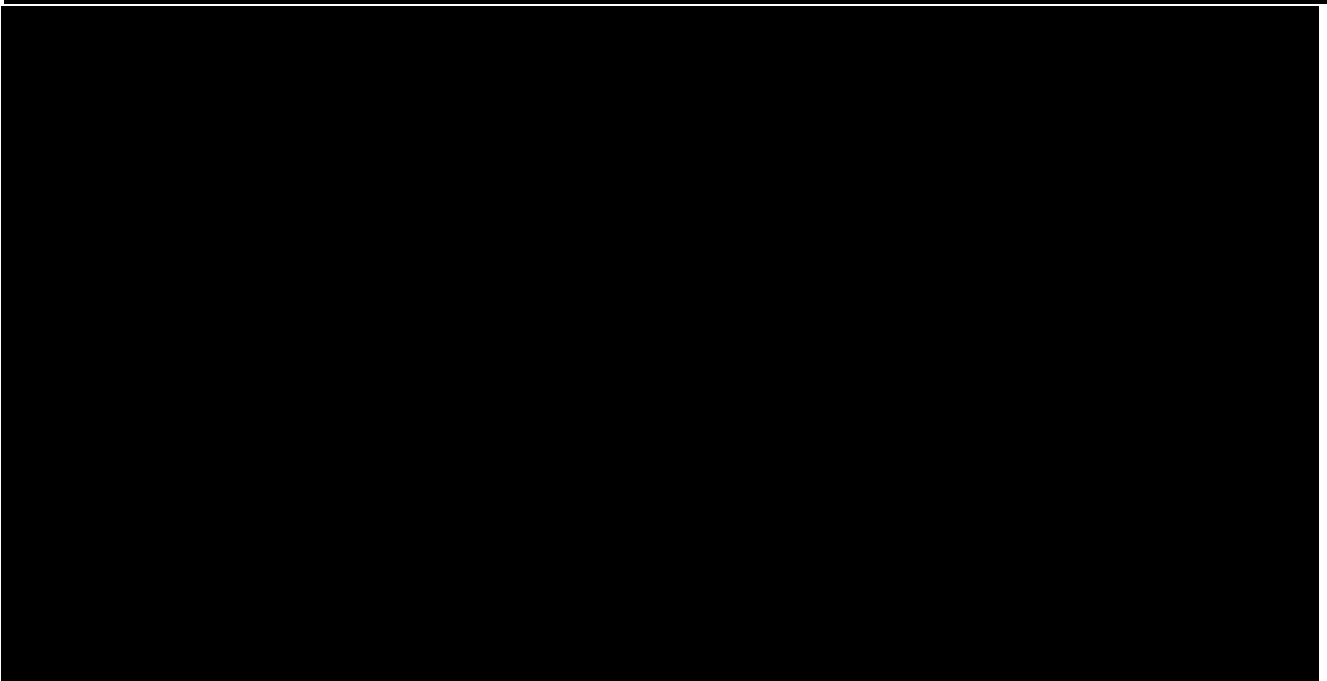
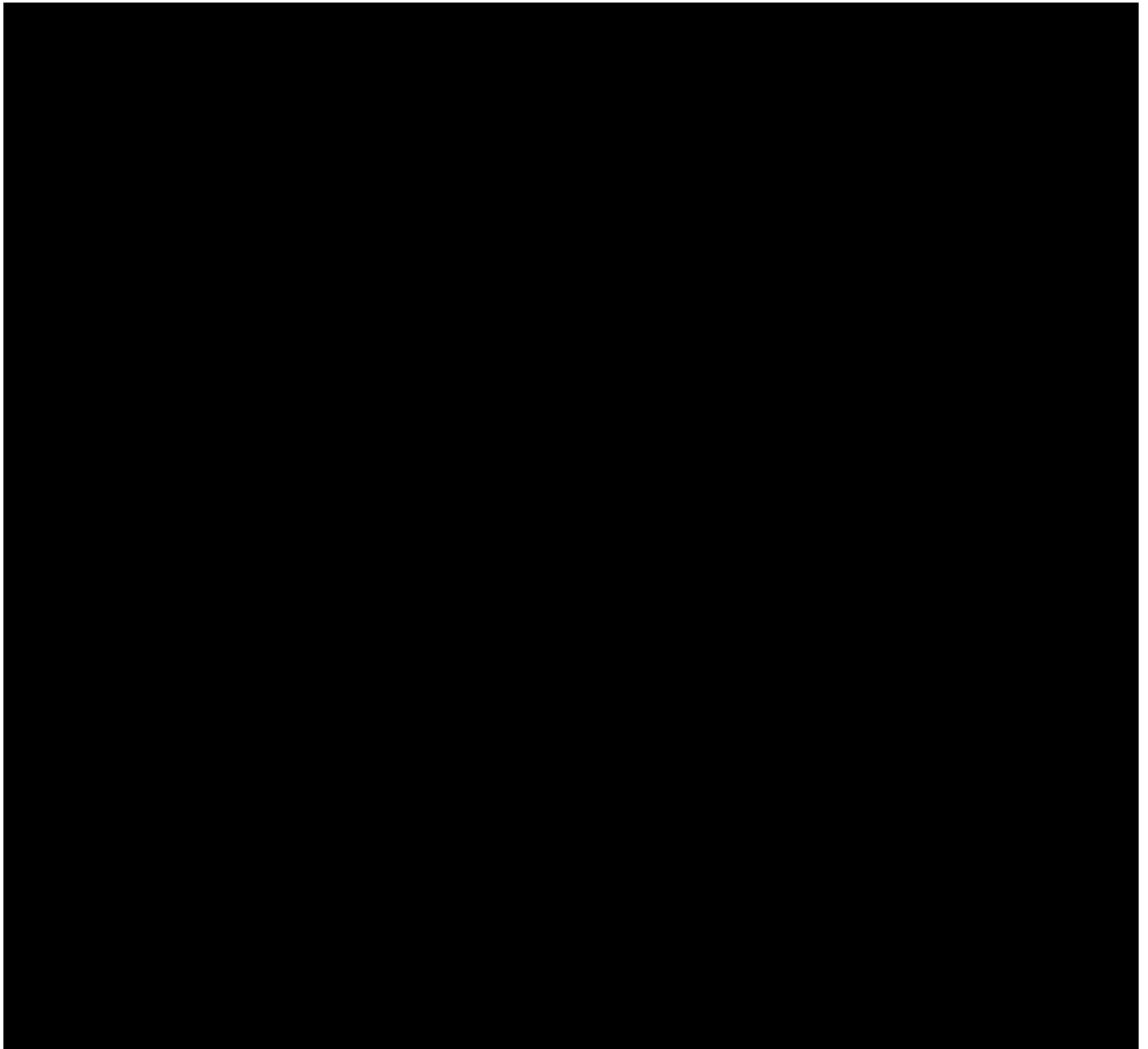


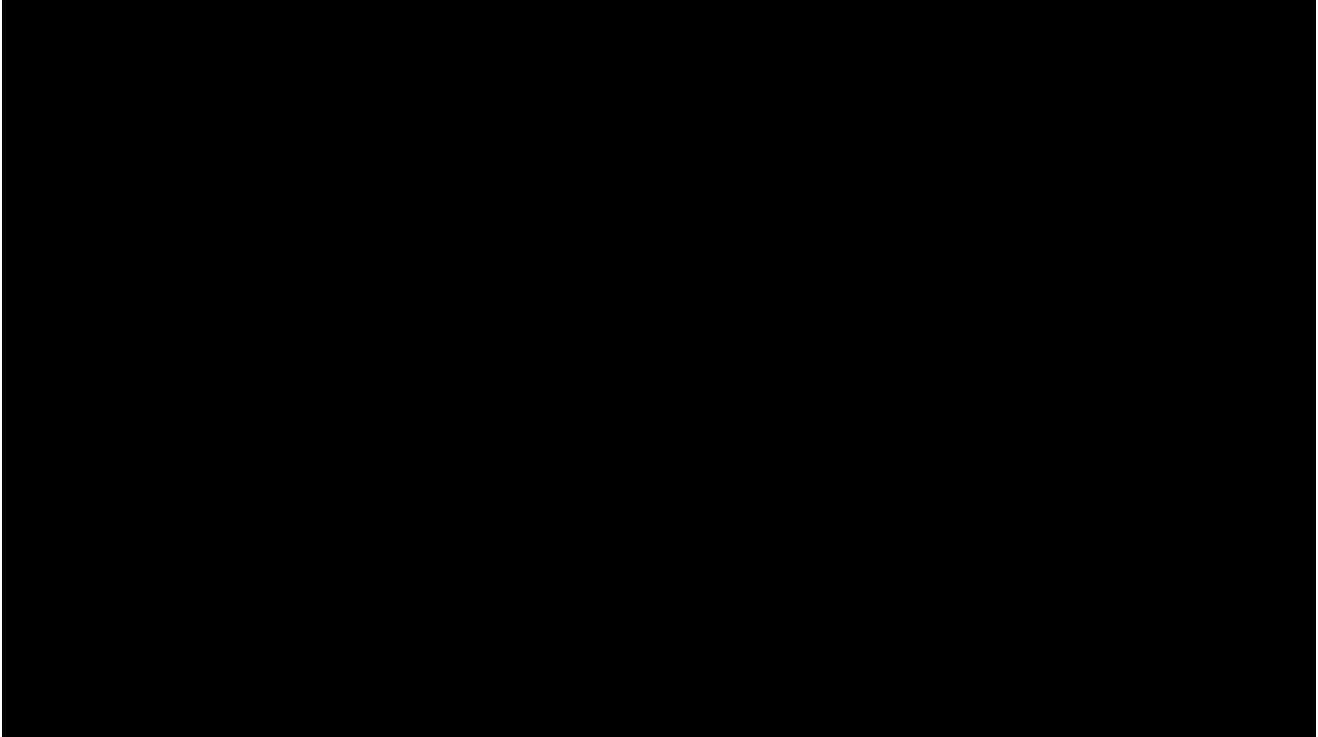
@ShaneRattenbury



shanerattenburymla







**From:** McGlinn, Ian  
**Sent:** Friday, 18 September 2015 2:10 PM  
**To:** Van Aalst, Sally  
**Subject:** FW: ACTION Advertising restrictions

For discussion Sally on Monday please

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**From:** Willson, Helen (TAMS) **On Behalf Of** Byles, Gary  
**Sent:** Friday, 18 September 2015 9:41 AM  
**To:** McGlinn, Ian  
**Subject:** FW: ACTION Advertising restrictions

**Helen Willson** | Executive Officer  
**Ph:** 02 620 76254 | **Fax:** 02 620 76229  
**Office of the Director-General** | Territory and Municipal Services Directorate | **ACT Government**  
12 Wattle Street Lyneham ACT 2602 | GPO Box 158 Canberra ACT 2601

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**From:** Rattenbury, Shane  
**Sent:** Friday, 18 September 2015 9:38 AM  
**To:** Byles, Gary  
**Cc:** Peters, Paul; Georgeson, Matthew  
**Subject:** ACTION Advertising restrictions

Hello Gary,

ACTION has policies governing the advertisements that appear on its bus shelters, and on its buses. I'd like ACTION to amend these where possible to include some further detail that is consistent with

Government policies and, I think, consistent with ACTION's role as a model business. In particular I note that a significant portion of ACTION's customers are children, and a significant portion of its routes are school routes.

My understanding is that:

- bus advertisements are governed by a contract that contains the following clause: "Advertisements must be legal, meet the advertising standards and must not represent, portray or promote: [it then lists topics] ... and i) Other matters which may be determined by the ACTION Director from time to time and notified to the Contractor in writing". It appears ACTION could use this clause to notify the Contractor of changes to the advertising policy.
- bus shelters are also governed by a contract but it does not contain a similar clause. ACTION could however request that Adshel follow additional advertising guidelines.
- depending on when the contracts are due for renegotiation it may be possible to include changes in the new contract.

In addition to the existing restrictions, I would like ACTION to restrict advertisements that promote:

- junk food (generally: "foods high in fat, sugar or salt". More specifically, we could use a definition such as "confectionery, soft drinks, chips/savoury snacks, fast food, pre-sugared breakfast cereal, pre-prepared convenience foods". It is inevitable there will be some greyness to this policy, but we'd have to leave the discretion ultimately with the ACTION decision maker).
- gambling
- alcohol
- advertisements promoting fossil fuels
- weapons or a company that manufactures weapons

Could you please get back to me and let me know how this can be progressed.

Thanks  
Shane

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Shane Rattenbury MLA

Minister for Territory and Municipal Services; Minister for Justice; Minister Assisting on Transport Reform; Minister for Sport and Recreation.  
ACT Greens Member for Molonglo  
t: 620 50005 | f: 620 50007 | [rattenbury@act.gov.au](mailto:rattenbury@act.gov.au) |

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## ADVERTISING RESTRICTIONS – ACTION BUSES ACT

Alcohol

Gambling

Fossil fuels

Weapons

Junk food

- Sugar sweetened drinks
- Fruit/vegetable juices
- Slushies/jelly deserts
- Cakes and slices
- Confectionary
- Deep fried foods
- Fats
- Ice creams
- Toppings, syrup, jam, honey



## **ACTION Buses advertising policy**

The current Services Agreement between TAMS and GoTransit states that the following restrictions apply to bus advertising on ACTION buses:

- a) A contravention of any Act of Parliament or regulation made under any Act
- b) Tobacco or tobacco products
- c) Political or religious advertising
- d) A message that demeans or discourages the use of public transport
- e) A message that demeans public transport users
- f) A message that promotes unacceptable behaviour to or on the transport network
- g) A message that poses either a danger or confusion to traffic, or a risk to the health and safety of the public generally
- h) A message that can be deemed offensive or demeaning to specific Community Groups (i.e. religious, ethnic, women etc); and / or
- i) Other matters which may be determined by the ACTION Director from time to time and notified to the Contractor in writing

On Monday 28 September 2015\*, the following restrictions were added:

- j) Junk Food (in line with the *ACT Public Sector Healthy Food and Drink Choices – Vending Machine Policy*)
- k) Alcohol
- l) Gambling
- m) Fossil Fuels
- n) Weapons

Further clarification has also been made in relation to restrictions on political advertising. This restriction applies to advertising of or by a registered political party and does not include issue-based campaigns.

\*Changes made on 28 September 2015 do not apply to advertising already on ACTION buses or contracts booked prior to 1 October 2015.

**From:** [Slinger, Erin](#)  
**To:** [Irons, Samantha](#)  
**Subject:** FW: ACT Food and Drink Marketing Guideline - Transport Canberra buses and light rail  
**Date:** Friday, 23 August 2024 4:05:21 PM  
**Attachments:** [ACT Healthy Food and Drink Marketing Criteria and Guideline - 2024.docx](#)  
[ACT Healthy Food and Drink Marketing Criteria and Guideline - 2024.pdf](#)

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OFFICIAL

FYI

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**From:** Broomhead, Louise <Louise.Broomhead@act.gov.au>  
**Sent:** Tuesday, June 18, 2024 11:30 AM  
**To:** Slinger, Erin <Erin.Slinger@act.gov.au>  
**Cc:** Resnik, Lauren <Lauren.Resnik@act.gov.au>; Copp, Natania <Natania.Copp@act.gov.au>; Coote, Ingrid <Ingrid.Coote@act.gov.au>  
**Subject:** RE: ACT Food and Drink Marketing Guideline - Transport Canberra buses and light rail

OFFICIAL

Hi Erin,

Thanks for the edits. I have made these changes and attached as a word and PDF so you can include it in the contract and get that out from your side.

We still need to think about including the ACT Government logo on it (or Transport Canberra) so let me know your thoughts on this plus adding it to your advertising landing page as a hyperlink.

Please sing out if you have any questions. As you are aware we are always happy to help clarify use of the guide with yourself and Transport Canberra staff at any time.

Cheers,  
Louise

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**From:** Slinger, Erin <[Erin.Slinger@act.gov.au](mailto:Erin.Slinger@act.gov.au)>  
**Sent:** Tuesday, June 18, 2024 8:41 AM  
**To:** Broomhead, Louise <[Louise.Broomhead@act.gov.au](mailto:Louise.Broomhead@act.gov.au)>  
**Subject:** RE: ACT Food and Drink Marketing Guideline - Transport Canberra buses and light rail

OFFICIAL

Nice timing Louise, I have heard back from both line areas (bus and light rail) and they are happy with the proposed changes.

Just a couple of typos need amending and then we can include in the current contract for buses (which is about to go out) and light rail will provide to Torch formally.

[rail.](#) (page 7)

Could you send me through a final version as soon as you can?

Cheers  
Erin

**Erin Slinger** | Senior Director, Communications and Engagement  
**Phone 02 6207 4725** | Email [erin.slinger@act.gov.au](mailto:erin.slinger@act.gov.au)  
Transport Canberra and City Services | **ACT Government**  
480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | [www.cityservices.act.gov.au](http://www.cityservices.act.gov.au) |  
[www.transport.act.gov.au](http://www.transport.act.gov.au)  
**Connected services for the people of Canberra**



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**From:** Broomhead, Louise <[Louise.Broomhead@act.gov.au](mailto:Louise.Broomhead@act.gov.au)>  
**Sent:** Tuesday, June 18, 2024 8:32 AM  
**To:** Slinger, Erin <[Erin.Slinger@act.gov.au](mailto:Erin.Slinger@act.gov.au)>  
**Subject:** RE: ACT Food and Drink Marketing Guideline - Transport Canberra buses and light rail

**OFFICIAL**

Hi Erin,  
Any chance you have had an opportunity to look over the revised policy guideline?

Happy to set up a time to discuss if that's easier for you.

Cheers,  
Louise

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**From:** Slinger, Erin <[Erin.Slinger@act.gov.au](mailto:Erin.Slinger@act.gov.au)>  
**Sent:** Wednesday, June 5, 2024 12:53 PM  
**To:** Broomhead, Louise <[Louise.Broomhead@act.gov.au](mailto:Louise.Broomhead@act.gov.au)>  
**Cc:** Resnik, Lauren <[Lauren.Resnik@act.gov.au](mailto:Lauren.Resnik@act.gov.au)>; Coote, Ingrid <[Ingrid.Coote@act.gov.au](mailto:Ingrid.Coote@act.gov.au)>; Copp, Natania <[Natania.Copp@act.gov.au](mailto:Natania.Copp@act.gov.au)>  
**Subject:** RE: ACT Food and Drink Marketing Guideline - Transport Canberra buses and light rail

**OFFICIAL**

Hi Louise,

Apologies for not coming back to you on this one just yet. Could I come back to you with comments by the end of next week?

Cheers  
Erin

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**From:** Broomhead, Louise (Health) <[Louise.Broomhead@act.gov.au](mailto:Louise.Broomhead@act.gov.au)>  
**Sent:** Thursday, May 16, 2024 4:28 PM  
**To:** Slinger, Erin <[Erin.Slinger@act.gov.au](mailto:Erin.Slinger@act.gov.au)>  
**Cc:** Resnik, Lauren (Health) <[Lauren.Resnik@act.gov.au](mailto:Lauren.Resnik@act.gov.au)>; Coote, Ingrid (Health) <[Ingrid.Coote@act.gov.au](mailto:Ingrid.Coote@act.gov.au)>; Copp, Natania (Health) <[Natania.Copp@act.gov.au](mailto:Natania.Copp@act.gov.au)>  
**Subject:** ACT Food and Drink Marketing Guideline - Transport Canberra buses and light rail

**OFFICIAL**

Hi Erin,

As discussed, please find attached a draft revised version of the ACT Food and Drink Marketing criterion and guidelines designed to support the advertising policy in relation to food and drink advertised on buses and light rail.

I have kept the edits to a minimum/minor but of most note are the following:

- Light rail is now included/referenced
- Transport Canberra replaces Action Buses
- Images relating to menu type mobile apps ( e.g. Uber Eats) are within scope
- Restated in criterion 2 that brand only advertising is not permitted (to make it clearer for the end- user); added a little more info re master branding
- Updated the principles of the criteria and guideline to be closer aligned with our national marketing guide
- Diet drinks, artificial or naturally sweetened ‘soft’ drinks are now listed in the guide as not permitted
- Included a short preface about why this policy exists (due to poor nutrition in our community and its health impact - high prevalence of chronic disease, overweight)
- Please check the ‘monitoring’ text and that you’re comfortable with it- I revised it- simplified

So, the next steps:

- please read over it when you have time and comment as you see it
- no rush, but perhaps best to provide comments within two weeks? Monday, 3 June?
- can you also advise if you think we can add the Transport Canberra logo/template to it (and maybe ACT Health Directorate (joint badging)) or even just badge as the ACT Government? Let me know what you think is best.
- I was thinking we should ask for it to be uploaded to the TC website (as a hyperlink) to the landing (advertising) page which refers to ‘no junk food’ etc. This would help with ease of access for contractors/suppliers. Thoughts?

Okay, I think that is all for now,

Thanks again for all your communications on this and please contact me at any time if you want to discuss.

Louise

Louise Broomhead

Senior Public Health Nutritionist | Population Health Policy  
Population Health Division | Health Directorate | ACT Government  
Email: [louise.broomhead@act.gov.au](mailto:louise.broomhead@act.gov.au)

## ACT Healthy Food and Drink Marketing Criteria and Guideline for marketing on Transport Canberra buses and light rail

### Background

The food and drink we consume plays an important role in our health and wellbeing. A healthy diet helps to maintain a healthy weight and prevent chronic disease such as heart disease, type 2 diabetes and some cancers. Unfortunately, diet-related illness and unhealthy weight continue to be among the leading causes of death and disability in the ACT and in Australia<sup>1</sup>. This is because our diets are generally poor in nutrition but high in energy, saturated fat, added sugars and/or salt.

Over the last decade the proportion of ACT adults and children who meet the Australian Dietary Guidelines for vegetable and fruit consumption has decreased and the average number of fast-food meals and unhealthy snacks eaten per month is increasing. This is a concerning trend and one we seek to change.

The ACT Government is committed to supporting the ACT population to consume sufficient quantities of healthy food and drinks and limit the consumption of food and drinks which do not support the Australian Dietary Guidelines.

Advertising on public transport forms part of this commitment. Ads must be legal, meet [Australian Standards](#), and not represent, portray, or promote junk food, fast food or unhealthy food and drinks as defined by the Australian Dietary Guidelines.

The following ACT Food and Drink Marketing Criteria and Guideline is a tool to help implement this policy and is based on the following key principles.

- a. Consistency with the Australian Dietary Guidelines and the Australian Guide to Healthy Eating, in particular the need to limit the intake of discretionary food and drinks.
- b. The need to improve the current diet of Australian children by reducing exposure to the discretionary food and drinks that are frequently over consumed.
- c. The need to redress the current imbalance in the food and drink marketing landscape by reducing the discretionary food and drink categories commonly promoted.
- d. The importance of responding to community expectations to protect children from the influence of unhealthy food marketing.
- e. Ensuring ease of use

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<sup>1</sup> <https://www.health.act.gov.au/chief-health-officer-report/healthy-weight>

### **Related policies, guidelines and legislation**

The ACT Food and Drink Marketing Criteria and Guideline are consistent with the following related policies, procedures, guidelines and legislation which support a healthy diet and population:

- The *Australian Dietary Guidelines*<sup>2</sup>
- The *Australian Guide to Healthy Eating*<sup>3</sup>
- *ACT Public School Food and Drink Policy 2015*<sup>4</sup>
- *Healthy Canberra: ACT Preventive Health Plan (2020-2025)*
- *The Australian Government Health Star Rating System (HSR)*<sup>5</sup>
- The ACT Kilojoule labelling legislation under the *Food Act 2001 and Food Regulation 2002*<sup>6</sup>
- *National Obesity Strategy (2022-2032) and National Preventive Health Strategy (2021-2030)*
- The *WHO Regional Office for Europe Nutrient Profile Model*<sup>7</sup>

### **Scope**

These criteria and guideline are applicable to marketing of foods and non-alcoholic drinks on Transport Canberra buses and light rail.

Please note that these criteria do not supersede regulations on the marketing of alcohol or tobacco related products.

### **Monitoring**

It is proposed that the marketing contractors are responsible for applying the policy criteria and guideline. If required, it will be the marketing contractor's responsibility to remove any marketing that has been placed which is not consistent with the policy criteria and guideline. Transport Canberra will continue to review and maintain a record of advertising images that fail to comply with the policy in accordance with their routine operations.

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<sup>2</sup> National Health and Medical Research Council (2013) *Australian Dietary Guidelines*. Canberra: National Health and Medical Research Council, available at [www.eatforhealth.gov.au](http://www.eatforhealth.gov.au)

<sup>3</sup> National Health and Medical Research Council (2013) *Australian Guide to Healthy Eating*, available at <https://www.eatforhealth.gov.au/guidelines/australian-guide-healthy-eating>

<sup>4</sup> Available at [http://www.education.act.gov.au/teaching\\_and\\_learning/food-and-drink-guidelines](http://www.education.act.gov.au/teaching_and_learning/food-and-drink-guidelines)

<sup>5</sup> Available at <http://healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/Content/About-health-stars>. To find the Health Star Rating of a product visit <http://www.foodswitch.com.au/>

<sup>6</sup> Available at <http://www.legislation.act.gov.au/a/2001-66/default.asp>

<sup>7</sup> World Health Organization (2015), *WHO Regional Office for Europe Nutrient Profile Model*, Copenhagen, available at <http://www.euro.who.int/en/health-topics/disease-prevention/nutrition/publications/2015/who-regional-office-for-europe-nutrient-profile-model-2015>

**This marketing guidance consists of two sections:**

**Section 1:** describes the two ACT Healthy Food and Drink Marketing Criteria

**Section 2:** provides guidance on applying the Food and Drink Marketing Criteria and gives examples of food and drinks that ARE suitable and NOT suitable for marketing on Transport Canberra buses and light rail.

## Section 1: ACT Healthy Food and Drink Marketing Criteria

Marketing on buses and light rail must be suitable according to **both** of the following criteria:

### CRITERION 1

**Food and drinks categorised as core foods in the *Australian Dietary Guidelines*, ARE suitable for marketing on Transport Canberra buses and light rail.**

These are foods and drinks of high nutritional value and support healthy eating consistent with the *Australian Dietary Guidelines* and *Australian Guide to Healthy Eating*.

The foods and drinks that are NOT core foods, as outlined in the *Australian Dietary Guidelines* and do not support healthy eating are NOT suitable for marketing on Transport Canberra buses and light rail. These foods and drinks, referred to as discretionary choices, are of poor nutritional value and are generally high in kilojoules (energy), saturated fat, added sugars and/or salt.

Refer to Section 2 for further guidance on foods and drinks that ARE suitable and are NOT suitable for marketing on Transport Canberra buses and light rail.

### CRITERION 2 Suitability of marketing in relation to master branding

**Master branding should not be the predominant feature of the advertisement and can only be used in combination with the image of a core food or drink product (according to Criterion 1). Brand only advertising is not permitted.**

In other words, all companies will be permitted to promote their healthy (core) food and drink products on Transport Canberra buses and light rail, but Criterion 2 requires that the healthy food or drink being marketed is featured more prominently than the company's brand.

#### Master Branding

Master or company branding is a specific overarching corporate brand name that serves as the main anchoring point on which all underlying product brands are based. Master branding attempts to create a strong association between a company's products and what the brand represents. When food and drink companies promote their products, the master or company brand is almost always included. Children are vulnerable to, and largely unaware of the persuasive and aspirational intent of brands.

## Menu Apps

The criteria and guidelines apply to advertisements for mobile menu applications such as Menu Log or Uber Eats. Food and drink products depicted through these advertisements are required to comply with the criteria and guidelines.



Foods and drinks that are included in the *Australian Guide to Healthy Eating* as **discretionary choices** (see below) are NOT suitable to be marketed on Transport Canberra buses and light rail.

**Examples of foods and drinks that are NOT suitable to be marketed on Transport Canberra buses and light rail**



These food and drinks are included in the *Australian Guide to Healthy Eating* as discretionary or RED food and drinks in the Traffic Light System. These items are **not suitable** to be marketed on Transport Canberra buses and light rail.

**Need more help?**

Further guidance on determining whether food and drink products are suitable to be marketed on Transport Canberra buses and light rail is provided in **Table 1**. For some packaged foods and drinks, Health Star Rating cut-offs have been applied to assist in determining whether a product is suitable to be marketed. To find the Health Star Rating of a product visit <http://www.foodswitch.com.au/>

The intention is that the following guidance, when read in conjunction with the criteria outlined in section 1, will be sufficient for users to determine the suitability of food and drink marketing to be displayed on Transport Canberra buses and light rail, without the need for detailed nutrition knowledge or expertise.

It is the responsibility of the food or drink manufacturer or outlet seeking marketing space to have nutritional information available for their products, or detailed ingredients of their products, for an assessment to be made.

For any items where the criteria and this guidance are deemed insufficient to make a determination on whether a food or drink product is suitable to be marketed further advice can be sought from Transport Canberra.

**TABLE 1: Further guidance on items that ARE suitable and NOT suitable to be marketed on Transport Canberra buses and light rail, by food and drink type.**

Food/drink type	Examples of foods and drinks that ARE suitable to be marketed	Examples of foods and drinks that are NOT suitable to be marketed
Drinks	<p>Drinks with no added sugar, including:</p> <ul style="list-style-type: none"> <li>• Plain/unflavoured, tap, spring, mineral or sparkling water with nothing added</li> <li>• Plain/unflavoured milk drinks</li> <li>• Plain tea and coffee, with or without milk</li> <li>• Fruit/vegetable juice with at least 99% juice and no added sugar</li> </ul>	<p>Sugar-sweetened drinks<sup>8</sup>, including:</p> <ul style="list-style-type: none"> <li>• All soft drinks, flavoured mineral waters, energy drinks, sports drinks, sports waters, commercial iced tea, cordial, fruit drinks, kombucha, carbonated fruit juices and sweetened waters</li> <li>• All diet, artificial, or naturally sweetened soft drinks or equivalent</li> <li>• Drinks containing tapioca pearls or jelly toppings, including bubble teas.</li> <li>• All drinks made with ice cream, sorbet, frozen yoghurt and/or condensed milk, including milkshakes, thickshakes and smoothies</li> <li>• All drinks made with flavourings, powders or syrup and added cream or ice cream (e.g. caramel chai latte with cream)</li> <li>• Fruit/vegetable juices with less than 99% juice and/or have added sugar</li> <li>• Any product containing guarana</li> </ul>
Flavoured milk <sup>9</sup> and iced coffee variations	<ul style="list-style-type: none"> <li>• Pre-packaged flavoured milk and iced coffee variations with a Health Star Rating <math>\geq 3.5</math><sup>10</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Pre-packaged flavoured milk and iced coffee variations with a Health Star Rating <math>&lt; 3.5</math></li> <li>• All drinks made with ice cream, sorbet, frozen yoghurt and/or condensed milk, including milkshakes, thickshakes and smoothies</li> <li>• All drinks made with flavourings, powders or syrup and added cream or ice cream (e.g. caramel chai latte with cream)</li> </ul>

<sup>8</sup> Includes any drink to which sugar has been added. Added sugar includes sucrose (commonly called sugar), fructose, glucose, honey and fruit juice concentrate.

<sup>9</sup> Milk includes all varieties (e.g. soy, almond, coconut, cow, goat, lactose-free, oat, rice and sheep)

<sup>10</sup> To find the Health Star Rating of a product visit <http://www.foodswitch.com.au/>

Food/drink type	Examples of foods and drinks that ARE suitable to be marketed	Examples of foods and drinks that are NOT suitable to be marketed
Fruit ice blocks and desserts	<ul style="list-style-type: none"> <li>Fruit ice blocks, jelly desserts, ice crushes and slushies with at least 99% juice and no added sugar</li> </ul>	<ul style="list-style-type: none"> <li>Fruit ice blocks, jelly desserts, ice crushes and slushies with less than 99% juice and/or added sugar</li> </ul>
Breads	<ul style="list-style-type: none"> <li>Plain bagels, burritos, crumpets, English muffins, focaccia, lavash, tortillas</li> <li>Lebanese, multigrain, pita, rye, Turkish, wholegrain, wholemeal, white high fibre, white and gluten-free breads</li> <li>Raisin and fruit bread</li> <li>Fruit hot cross buns</li> </ul>	<ul style="list-style-type: none"> <li>Banana bread, iced buns/scrolls/loaves</li> <li>Chocolate hot cross buns</li> <li>Savoury filled/topped breads and scrolls</li> <li>Garlic/herb breads</li> </ul>
Fruit	<ul style="list-style-type: none"> <li>Fresh, frozen, pureed or canned fruit, all varieties</li> </ul>	<ul style="list-style-type: none"> <li>Canned fruit in syrup, dried fruits with added sugar such as fruit leathers, roll ups, fruit covered in confectionery, e.g. toffee apples</li> </ul>
Vegetables and legumes	<ul style="list-style-type: none"> <li>Fresh, frozen or canned vegetables, all varieties</li> <li>Legumes (chickpeas, kidney beans, lentils, baked beans, lentil patties and falafels)</li> </ul>	<ul style="list-style-type: none"> <li>Deep fried vegetables, or patties</li> </ul>
Savoury snacks	<ul style="list-style-type: none"> <li>Savoury biscuits and snacks with a Health Star Rating <math>\geq 3.5</math>, including wholegrain crackers, crispbreads, rice and corn cakes</li> <li>Plain/unsalted popcorn</li> </ul>	<ul style="list-style-type: none"> <li>Savoury biscuits and snacks with a Health Star Rating <math>&lt; 3.5</math></li> <li>Fried vegetable snacks and crisps</li> <li>Fried grain-based crisps</li> <li>Buttered/salted popcorn</li> <li>Puffed/extruded soy, rice and corn snacks</li> <li>Savoury pastries, including pies and sausage rolls</li> </ul>

Food/drink type	Examples of foods and drinks that ARE suitable to be marketed	Examples of foods and drinks that are NOT suitable to be marketed
Sweet snacks	<ul style="list-style-type: none"> <li>Muesli, fruit and nut bars with a Health Star Rating <math>\geq 3.5</math></li> </ul>	<ul style="list-style-type: none"> <li>Muesli, protein, cake type bars and other snack bars with a Health Star Rating <math>&lt; 3.5</math></li> <li>Cakes and slices, sweet biscuits, muffins, cheesecake</li> <li>Waffles, scones, pikelets and pancakes, including when marketed with toppings, such as cream, ice cream and/or syrups</li> <li>Doughnuts, churros</li> <li>Sweet pastries, including Danish pastries, sweet tarts and croissants</li> </ul>
Confectionery	<ul style="list-style-type: none"> <li>Sugar-free chewing gum</li> <li>Cough lollies that contain ingredients that have a therapeutic benefit (e.g. antibacterial agents)</li> </ul>	<p>All other confectionery including:</p> <ul style="list-style-type: none"> <li>chewing gum (not sugar-free)</li> <li>Cough lollies that do not contain ingredients that have a therapeutic benefit (e.g. antibacterial agents)</li> <li>Boiled sweets, lollies, jelly beans, mints, fruit jellies, liquorice, 100s and 1000s</li> <li>Chocolate, chocolate-coated and chocolate-based products, including products containing chocolate chips</li> <li>Chocolate drink mixes and powders</li> <li>Carob-based and yoghurt-type confectionery and coatings</li> </ul>
Breakfast cereals, breakfast biscuits/bars and breakfast drinks	<ul style="list-style-type: none"> <li>Breakfast cereals, biscuits/bars and breakfast drinks with a Health Star Rating <math>\geq 3.5</math></li> </ul>	<ul style="list-style-type: none"> <li>Breakfast cereals, biscuits/bars and drinks with a Health Star Rating <math>&lt; 3.5</math></li> </ul>
Meat, fish, poultry, processed meat, crumbed/coated chicken and fish	<ul style="list-style-type: none"> <li>Lean fresh beef, chicken, lamb, pork, turkey, fish</li> <li>Canned tuna, salmon, sardines in spring water</li> <li>Eggs</li> <li>Nuts (unsalted, raw/dry roasted)</li> </ul>	<ul style="list-style-type: none"> <li>Sausages and frankfurts</li> <li>Dried and cured meats, including salami, ham, bacon and chorizo</li> <li>Processed meats, including devon and other luncheon meats</li> <li>Crumbed/coated chicken, including schnitzels</li> <li>Crumbed/battered fish and seafood, including fish fingers and crumbed calamari</li> </ul>

Food/drink type	Examples of foods and drinks that ARE suitable to be marketed	Examples of foods and drinks that are NOT suitable to be marketed
Spreads, toppings, sauces, dips and relishes	<ul style="list-style-type: none"> <li>Commercial nut, seed and yeast spreads with a Health Star Rating <math>\geq 3.5</math></li> <li>Dips, salsa, relishes with a Health Star Rating <math>\geq 3.5</math></li> <li>Tomato sauce, tomato paste, mustard, sweet chilli sauce, barbecue sauce with a Health Star Rating <math>\geq 3.5</math></li> <li>Pasta sauce with a Health Star Rating <math>\geq 3.5</math></li> </ul>	<ul style="list-style-type: none"> <li>Commercial nut, seed and yeast spreads with a Health Star Rating <math>&lt; 3.5</math></li> <li>Dips, salsa, relishes with a Health Star Rating <math>&lt; 3.5</math></li> <li>Tomato sauce, tomato paste, mustard, sweet chilli sauce, barbecue sauce with a Health Star Rating <math>&lt; 3.5</math></li> <li>Pasta sauce with a Health Star Rating <math>&lt; 3.5</math></li> <li>All honey, syrup, sugar-sweetened jams and conserves</li> <li>Toppings (all flavours)</li> <li>Other sugar-sweetened and chocolate spreads</li> </ul>
Dairy desserts, ice creams, ice confections	<ul style="list-style-type: none"> <li>plain or fruit yoghurt and custard (without added confectionery)</li> </ul>	<ul style="list-style-type: none"> <li>Ice creams/confections, frozen yoghurt, gelato, sorbet</li> <li>Cream-based desserts, including mousse and cr�me caramel</li> </ul>
Cheese	<ul style="list-style-type: none"> <li>All cheeses</li> </ul>	
Fats and oils	<ul style="list-style-type: none"> <li>Polyunsaturated and monounsaturated spreads and oils (e.g. canola, olive, sunflower, peanut, sesame)</li> </ul>	<ul style="list-style-type: none"> <li>Cream, coconut cream, coconut milk, butter, lard, tallow, cophera, ghee, dairy blend spreads</li> </ul>
Deep fried foods	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Hot chips, wedges and hash browns</li> <li>Doughnuts, churros</li> <li>All other deep fried foods, including nuggets, spring rolls, chiko rolls, battered saveloys, onion rings and dim sims</li> </ul>
Packaged ready to eat meals	<ul style="list-style-type: none"> <li>Packaged ready to eat meals including pasta, rice and noodle dishes, curries, casseroles, microwave meals, soups and frozen pizza with a Health Star Rating <math>\geq 3.5</math></li> <li>Packaged salads with a Health Star Rating <math>\geq 3.5</math></li> <li>Packaged sandwiches, subs and wraps with a Health Star Rating <math>\geq 3.5</math></li> </ul>	<ul style="list-style-type: none"> <li>Packaged ready to eat meals including pasta, rice and noodle dishes, curries, casseroles, microwave meals, soups and frozen pizza with a Health Star Rating <math>&lt; 3.5</math></li> <li>Packaged salads with a Health Star Rating <math>&lt; 3.5</math></li> <li>Packaged sandwiches, subs and wraps with a Health Star Rating <math>&lt; 3.5</math></li> </ul>

Food/drink type	Examples of foods and drinks that ARE suitable to be marketed	Examples of foods and drinks that are NOT suitable to be marketed
Ready to eat meals and composite dishes sold in restaurants, cafes and other food service outlets	<ul style="list-style-type: none"> <li>• Grilled lean meats, chicken or fish served with vegetables/salad</li> <li>• Pasta with tomato or vegetable-based sauces</li> <li>• Stir-fried dishes with lean meat or chicken and plenty of vegetables served with steamed rice or noodles</li> <li>• Salads that contain only core ingredients (e.g. salad vegetables, legumes, eggs, cheese, canned fish or fresh lean meat) with non mayonnaise-based dressing</li> <li>• Sandwiches, subs, wraps and toasties that contain only core ingredients (e.g. salad vegetables, eggs, cheese, canned fish or fresh lean meat) with no added sauces/mayonnaise</li> </ul>	<ul style="list-style-type: none"> <li>• Any meal served with hot chips, wedges, hash browns</li> <li>• Pizzas, burgers, nachos, taco and tortilla-based dishes, kebabs, hot dogs</li> <li>• Crumbed/coated/fried chicken, fish or seafood, including schnitzels and crumbed calamari</li> <li>• All other deep fried foods, including nuggets, spring rolls, chiko rolls, battered saveloys, onion rings and dim sims</li> <li>• Salads that contain processed meat, meatballs, and/or crumbed/coated/fried chicken, fish or seafood and/or mayonnaise-based dressing</li> <li>• Sandwiches, subs, wraps and toasties that contain processed meat, meatballs, and/or crumbed/coated/fried chicken, fish or seafood and/or added sauces/mayonnaise</li> </ul>
<p>Given the wide range of meals and composite dishes on offer through restaurants, cafes and other food service outlets, the above listed items are not exhaustive. Where a food outlet wishes to advertise/market a meal/composite dish and it is unclear if deemed suitable their product(s) should be assessed against the WHO Nutrient Profile Model Criteria <b>per 100g</b>: i.e. ≤10g fat, ≤4g saturated fat, ≤10g sugars, ≤1g salt, <b>and</b> ≤ 945kJ (225 Calories). Products that meet all of the nutrient criteria will be deemed suitable to be marketed.</p>		