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Re: Stakeholder feedback on the Draft Report on the Review of the Australian Communications and Media Authority

This submission focuses on the **ACMA enduring value** of protection of children from harmful material in the form of alcohol industry product advertising and sponsorship of broadcast sport. Advertising of alcohol is clearly identified as a source of media-conveyed harm to children by ACMA Children's Television Standards. The loophole protecting sponsorship relies on a narrow focus on advertising that favours industry over public health and safety. This distinction was eliminated in the case of tobacco by the Parliament in 1992 on the evidence that children perceived sponsorship as advertising and tobacco sponsorship was influencing adolescent underage brand choice¹⁻⁴. The hazards posed by alcohol consumption merit the same consilience approach today.

This submission argues that the current **Commercial Television Industry Code of Practice (CTICP)** provisions exempting the broadcast of sporting matches from alcohol advertising time zone restrictions do not reflect community standards nor do they meet community needs and are not 'fit-for-purpose' as they do not provide effective and accessible avenues of complaint and redress if standards are not met. In Australia, a 2013 report found that sport was more dependent on the alcohol sector for sponsorship deals than were other Western economies and had the highest proportion of alcohol spend of any major economy.⁵

The voluntary industry association **Alcohol Beverage Advertising Code (ABAC) Scheme Limited** excludes sponsorship ("Application" b (4))⁶ and dismisses complaints relating to brand sponsorship of televised sporting matches⁷. Consequently, children continue to be exposed to harm in the form of alcohol brand inculcation that encourages underage and excessive drinking.

In April 2014, ABAC was criticised for revising its Code "with no public transparency of the matters being considered, and no opportunity for public input into its consideration"⁸. Former government agency ANPHA further urged ABAC to address the issue of youth exposure to alcohol promotion by "reviewing and revising the ABAC Code and Guidance documents to include, and provide specific guidance on, sponsorship of sporting events"⁸.

In the same report, ANPHA recommended:

- that Free TV Australia and the free-to-air television industry in consultation with **ACMA**, amend the CTICP to remove the exemption for free-to-air television that allows direct advertising of alcohol products before 8.30pm as an accompaniment to live sport broadcasts on public holidays and weekends and in consultation with **ACMA**, remove the current provision whereby alcohol products may be advertised on school days between 12 noon and 3pm. (Recommendation1a; R1b)
- that the ABAC Scheme Ltd review and revise its Code and Guidance documents to include and provide specific guidance on, sponsorship of sporting, music, and cultural events (R7; R8) and
- Submit the draft proposed changes to its Code provisions to public scrutiny by placing these proposed changes on its website and inviting public comment from interested stakeholders;
- Ensure that transparent consultation and review processes are put into place for the upcoming review of ABAC Scheme Governance and Operations.
- Seek authorisation for a revised ABAC and associated Rules and Procedures from the ACCC which include improvements to the Code provisions as outlined in the recommendations of this Report. (R10a; R10b; R10c)⁹.

As ANPHA was shut down in June 2014, its final report remained unpublished until it was obtained under Freedom of Information provisions and published by the Foundation for Alcohol Research and Education¹⁰. Subsequently a revised ABAC code dated June 2014 appeared that continued to exclude sponsorship without transparency or public input. FreeTV Australia recently petitioned ACMA for the right to expand the times when it could broadcast both alcohol advertising and sporting matches sponsored by alcohol brands.

This review offers ACMA the opportunity to close this loophole on behalf of young Australians.

Respectfully submitted

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