

Authority meeting brief

To	Samantha Yorke, Autumn Field, Alana Fraser
Subject	Meeting with Free TV and members regarding the commercial TV code review
Date/Time	10:00 to 11:00 am, Tuesday 11 February 2025
Location	ACMA Sydney offices
Contact person	Section 22
Contact number	Section 22

Summary and agenda

1. Free TV Australia (Free TV) concluded its 6 week consultation on an updated draft of the Commercial Television Industry Code of Practise (the draft code) on 11 November 2024.
2. Free TV gave the ACMA a preliminary overview of the issues that were raised in the public consultation on 28 November 2024 and has requested this meeting to provide its final analysis of the submissions.
3. The ACMA asked Free TV for a copy of the post-consultation draft code in advance of the meeting but Free TV indicated that it was not yet in a position to do so. It has advised that it would like to walk the ACMA through the changes it proposes and has flagged that alcohol advertising will be a focus of the discussion.
4. Section 47C of the FOI Act [redacted] A copy of the consultation version of the code is at Attachment E.
5. The agenda is at Attachment F.

Attachments

Attachment A	Section 22
Attachment B	ACMA summary of submissions
Attachment C	Correspondence from Chair to Free TV 5 July 2024
Attachment D	Section 22
Attachment D2	Section 47G
Attachment E	Section 22
Attachment E2	Section 22
Attachment F	Agenda

Key issues

Item 2: Consultation wrap-up and final analysis of submissions

- > Following the conclusion of consultation, the ACMA met with Free TV to discuss the key issues that it identified via submissions. At that time, Free TV indicated it would not be publishing the submissions noting that it had not sought permission from submitters to make them publicly available. The submissions were provided to the ACMA on 18 December 2024.
- > Free TV received over 500 submissions including 31 from organisations. More detailed information about the submissions including the key concerns raised by each organisation is at **Attachment B**.
- > Nearly all the organisational submissions were from the health, drug and alcohol sector and raised concerns about the extension of the M time-zone, the harms of alcohol advertising and the negative health and social impacts of alcohol consumption.
- > The most common concern raised in submissions from individuals was about maintaining free-to-television and keeping sport free—unrelated to code matters.
- > The next two most cited issues amongst the individual submissions related to gambling and alcohol advertising, with many submissions calling for bans on one or both types of advertising.

Section 22 of the FOI Act

Alcohol advertising

Key Points

Section 47C of the FOI Act

Section 47C of the FOI Act

Section 47C of the FOI Act


Section 47G & 47(1)(b) of the FOI Act

Background

- > In the consultation draft code, Free TV proposed increasing the number of hours that M classified material would be permitted during the day (for an additional 2 hours between 10 am and midday), and removing the existing distinction between school days, weekends, school holidays and public holidays. This would have the effect of allowing more hours of M classified material per week (including on weekends and during holiday periods), as well as permitting additional alcohol advertising at times when children may be watching.
- > Free TV did not raise its intent to simplify and expand the M time-zone prior to public consultation. It has stated that the change is proposed to better align with other broadcasting codes of practice (we note that SBS has an expanded M time-zone).
- > The consultation indicates high levels of community concern about alcohol advertising including strong engagement by health and drug and alcohol advocacy groups. Most submissions that commented on alcohol advertising opposed an expansion of the existing M-time zones, and many also sought strengthened obligations in relation to existing rules around alcohol advertising for example:
 - removing the alcohol advertising exemption during sports broadcasts (first included in the 2015 code)
 - removing the exemption for program sponsorshipSome submitters called for complete bans on alcohol advertising on TV.
- > In November 2024, when it requested access to the public submissions, the ACMA suggested that Free TV consider the recent Rapid Review of Prevention Approaches to End Gender-Based Violence (which reported in September 2024), highlighting Recommendation 17 which calls for greater restrictions on alcohol advertising.


Section 47C of the FOI Act

Section 47C of the FOI Act

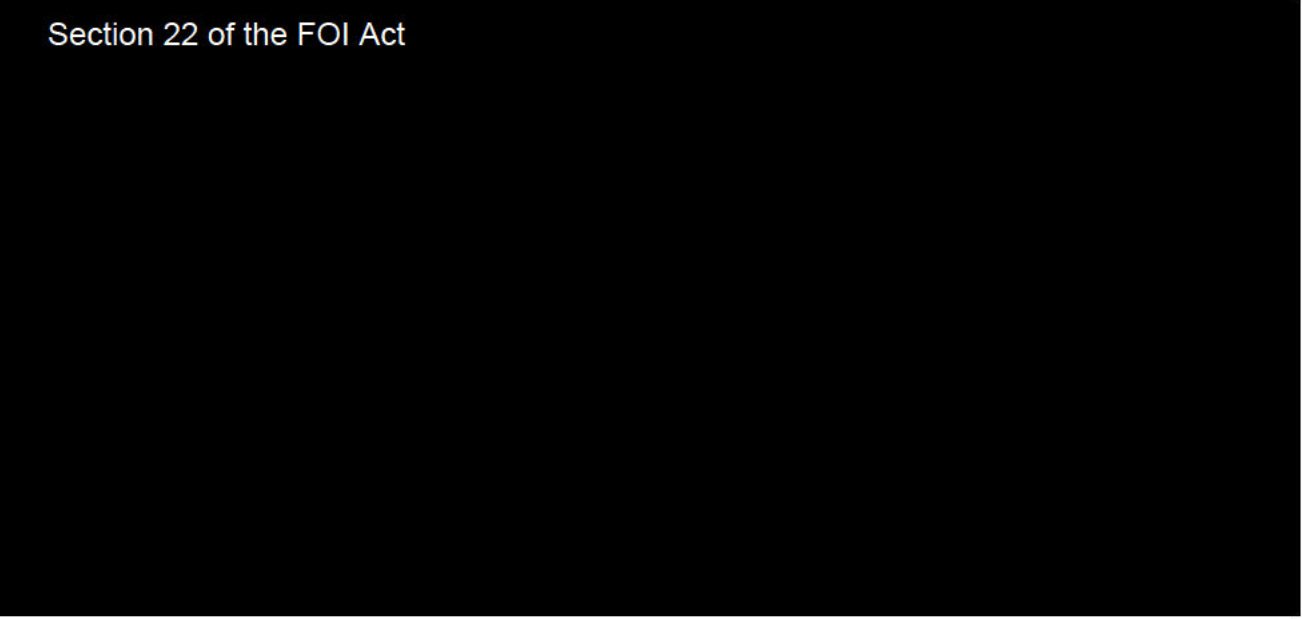


- > Some submissions have referred to evidence of the impact of alcohol advertising on children drinking. For example, the Australian Medical Association has referred in its submission to the National Alcohol Strategy 2019–28 which states that ‘there is a strong association between alcohol advertising and young people drinking’ and that the ‘evidence shows that both the context of alcohol promotion, and the frequency of media exposure can have an impact on attitudes and behaviours’.


Section 22 of the FOI Act



Section 22 of the FOI Act

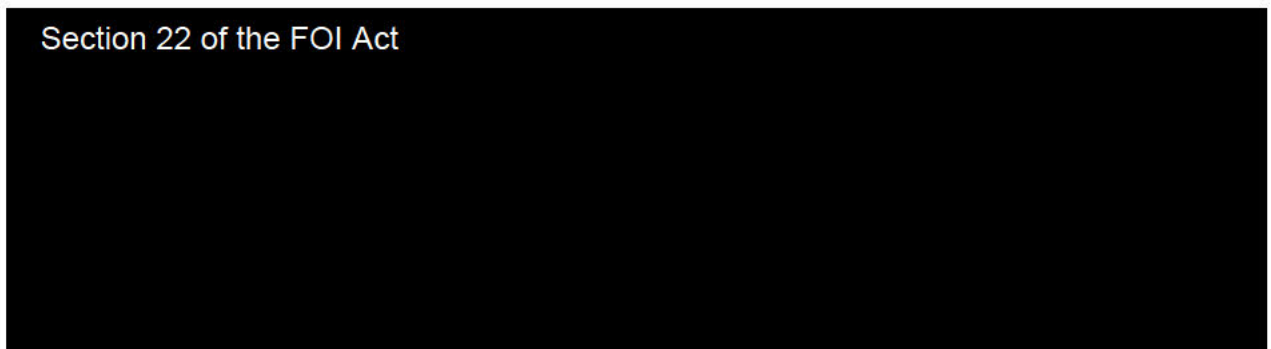


Sensitivities

- Section 22

- > The implications of the increased amount of time that M classified material will be permitted under the draft code has also been the subject of scrutiny at recent Senate Estimates, with Senator Pocock noting the inconsistency between the amendments proposed by Free TV and the recent recommendations of the Report of the Rapid Review Expert Panel (the government has yet to respond to the review). Alcohol issues are also the subject of the Parliamentary Inquiry into the health impacts of alcohol and other drugs in Australia (currently in progress).

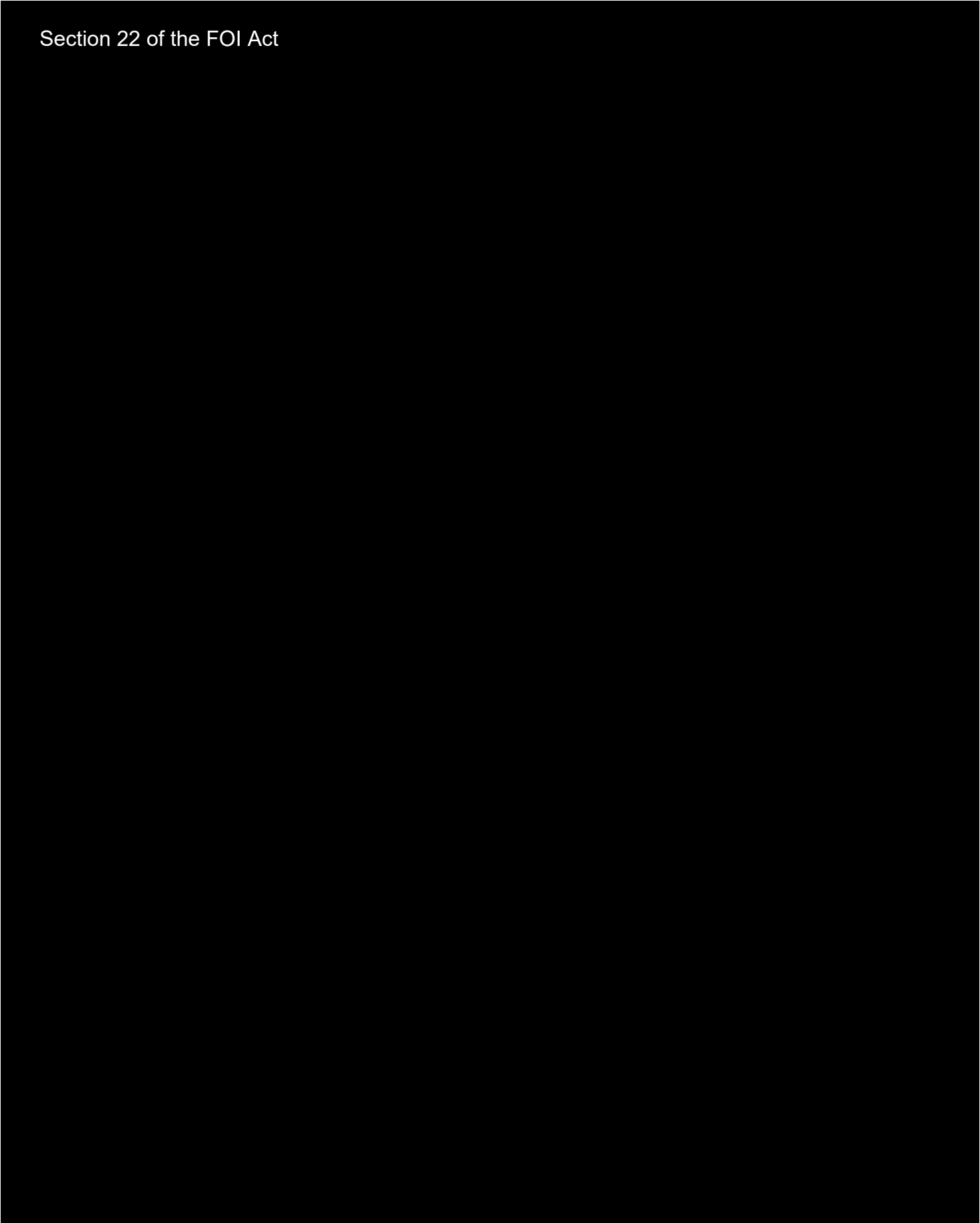
- Section 22


Section 22 of the FOI Act



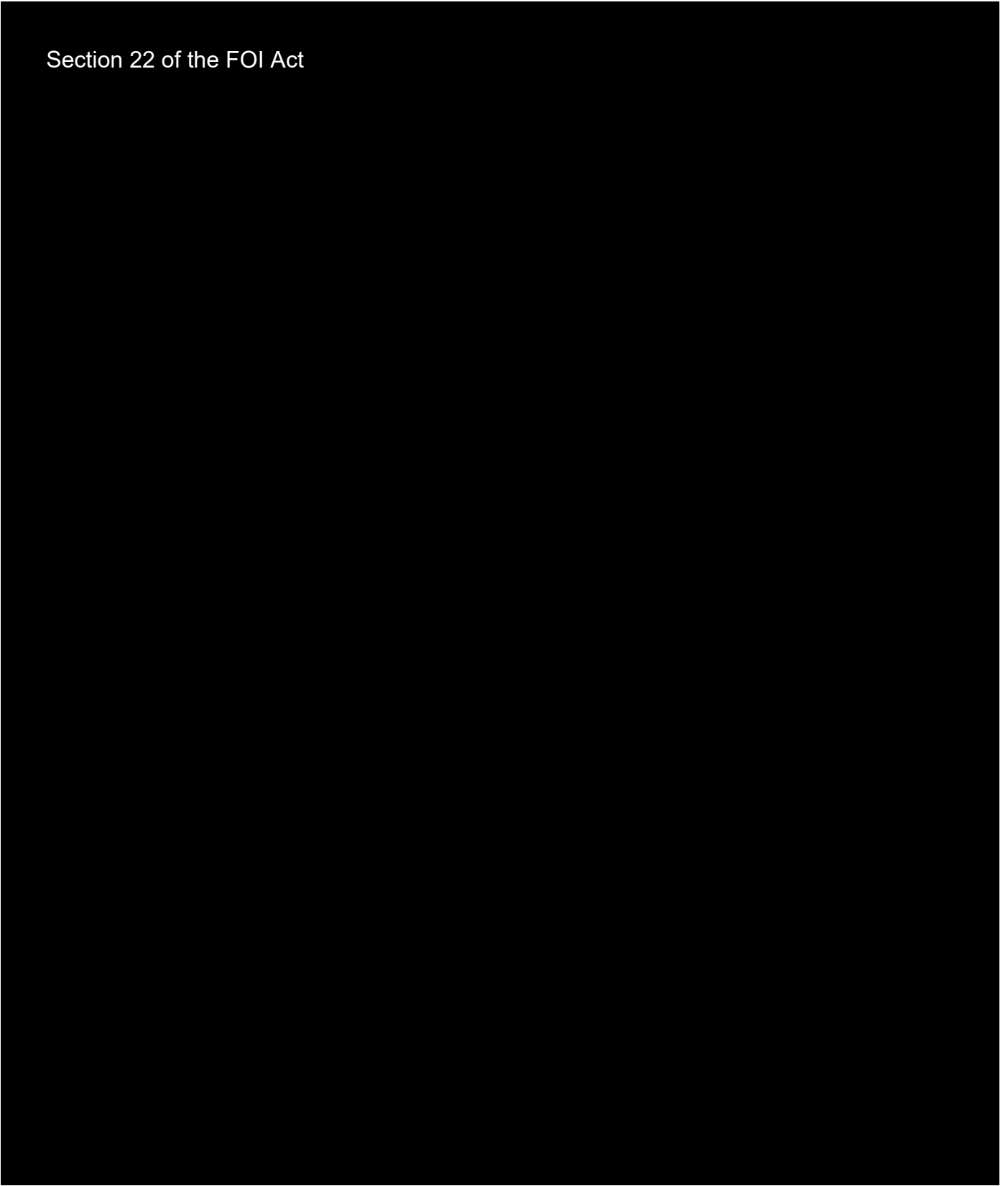
--

Section 22 of the FOI Act

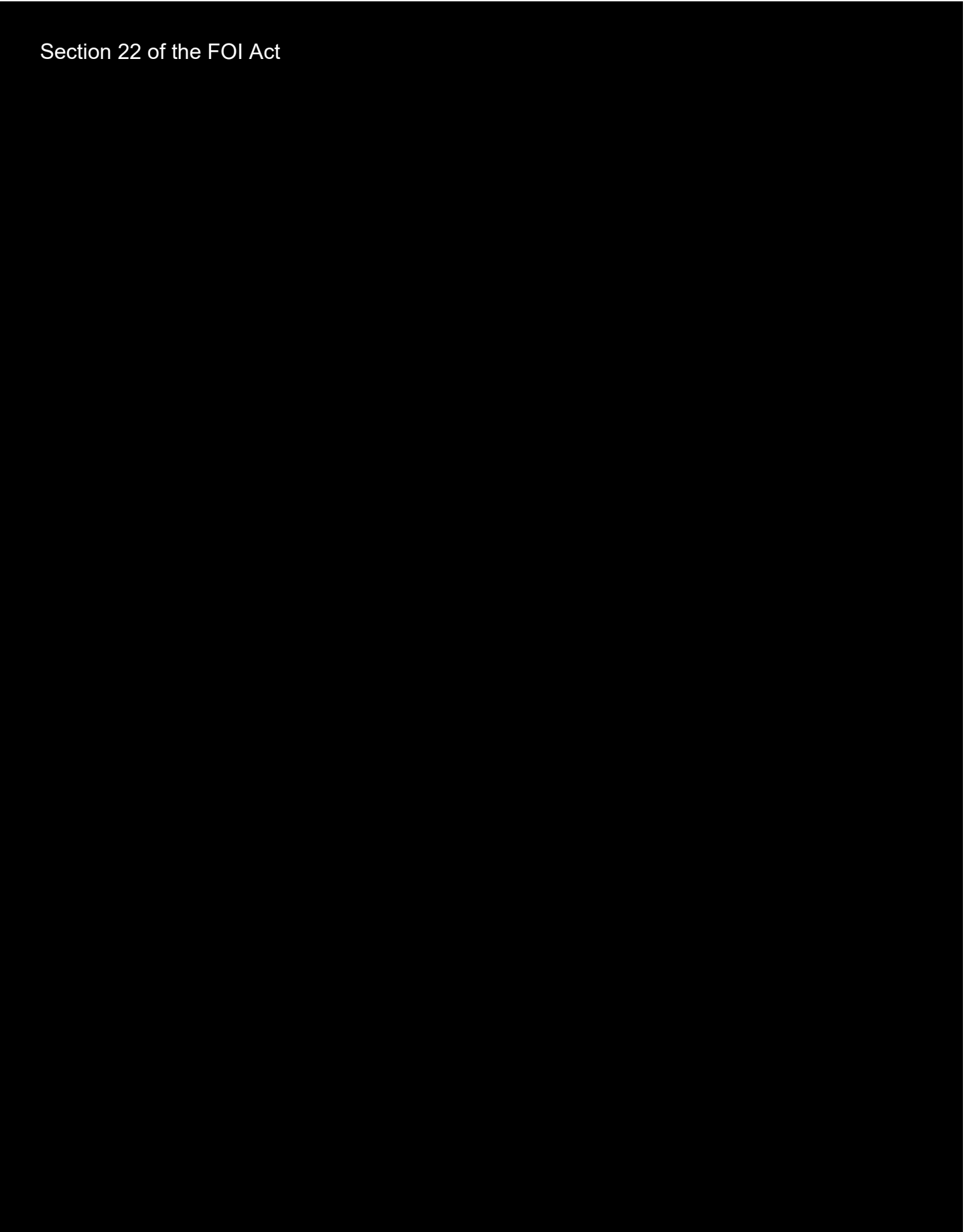


Section 22 of the FOI Act

Section 22 of the FOI Act



Section 22 of the FOI Act



AGENDA Free TV code review meeting Tuesday 11 February 2025, 10:00am – 11.00am	
Free TV participants: Section 22 of the FOI Act	
ACMA participants: Samantha York, Autumn Field, Alana Fraser, Section 22 of the FOI Act	
ITEM 1.	Welcome, introductions & opening comments
ITEM 2.	Free TV code consultation wrap-up and final analysis of submissions Section 22 of the FOI Act Section 22 of the FOI Act
ITEM 3.	Key changes to draft code post-consultation including discussion about: <ul style="list-style-type: none"> alcohol advertising Section 22 of the FOI Act
ITEM 4.	Section 22 Section 22 Section 22 Section 22