

Australian Distillers Association

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Manager, Content and Media Reform
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

Submitted via email to: camr@acma.gov.au.

Thank you for the opportunity to respond to the **ACMA review of the current alcohol advertising rules in the Commercial Television Industry code of Practice**.

We also support the submission made on behalf of the wider alcohol industry by Alcohol Beverages Australia (ABA).

About the Australian Distillers Association (ADA)

The Australian Distillers Association (ADA) is the national peak industry body representing Australia's craft and artisan spirits producers and their supply chain partners.

Our core functions are:

1. Industry advocacy & policy leadership
2. Protecting industry integrity
3. Industry development & support
4. To act as a knowledge hub
5. Promotion of Australian spirits
6. To build a strong, united industry

The ADA is solely member-funded and aims to work in partnership with government and Spirits & Cocktails Australia to unlock growth opportunities while addressing structural and regulatory barriers facing small manufacturers.

OUR CONTRIBUTION

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- Over 700 distilleries nationwide, with 48% located in regional Australia.
- Over 100,000 FTE jobs (direct and indirect), many in rural and regional communities.¹
- Strong pipeline of young workers and gender equity - 44% of the workforce are women, and more than half are under 35.

A tourism powerhouse

- Distillery tourism is the fastest-growing visitor activity in Australia, growing 16% annually from 2019–2022.
- 3.5 million distillery visits annually, injecting expenditure into regional towns.

Strong global demand

- Australian spirits particularly whisky, gin and liqueurs are winning awards internationally and generating strong interest across Asia, Europe and the United States.

Agricultural Value Added

- Distillers use Australian agricultural inputs including wheat, barley, pepperberry, lemon myrtle and other native botanicals, supporting local farmers and regional supply chains.

Improving Health Outcomes

ADA members share a commitment to promoting a safe and vibrant spirits sector, which reflects Australia's mature drinking culture and creates opportunities for economic development, through Australian manufacturing and the visitor economy.

Importantly for the ACMA review, it should be noted that long-term trends demonstrate sustained progress in reducing harmful consumption.

¹

Economic contribution of the spirits industry in Australia, Spirits & Cocktails Australia 2024. Deloitte. Access Economics

These outcomes have been achieved within the current regulatory settings, including those governing alcohol advertising.

The Australian Institute of Health and Welfare's (AIHW) [National Drug Strategy Household Survey](#) has found significant improvements in Australia's drinking habits over the last decade.

Australians are making informed choices about their alcohol consumption, with AIHW data confirming significant declines in risky and heavy episodic drinking. Australia's per capita alcohol consumption continues its downward trajectory – a trend established over the last 50 years. These positive shifts highlight that additional regulations and restrictions are not necessarily the solution to affecting positive long-term behavioural changes.

Australia has also seen a reduction in high-risk drinking behaviours across all age cohorts. At the same time, the percentage of people who abstained from alcohol increased from 19.9 to 23.5%.

Risky consumption of alcohol for males between 2010 and 2023 has decreased across all aged groups, with 14-19 years and 60-69 years age groups exhibiting the most significant reductions. While the consumption of alcohol by males aged 20-29 years is trending downwards, this age cohort was most likely to engage in risky consumption.

Data from the AIHW and others shows that the majority of Australians are drinking responsibly and in moderation.

The Australia spirits industry has noted in numerous submissions to government that Australians are choosing to drink less, but higher-quality products.

The key statistics are:

- Per capita consumption has fallen by 25% since 1975.
- Since 2001, there has been a 40% decline in people who drink daily (now just 5.2%); and
- Risky or harmful consumption across all age groups fell by 19.4% between 2001 and 2023.

One of the most significant changes over the last 20 years has been the decline in underage drinking. Across Australia, the portion of young people abstaining from alcohol has more than doubled.

Furthermore, of those that are drinking alcohol, the level of risky drinking, as defined by AIHW, has fallen by each indicator.

Putting these results in context, this ACMA consultation is a review of how the current alcohol advertising restrictions in the *Commercial Television Industry Code of Practice (CTICP)*, are providing appropriate community safeguards.

This review should not be used as a public health review of alcohol consumption.

The relevance of the data and statistics on improving health outcomes and lower consumption of alcohol is that those demanding greater regulation must establish a direct or indirect link between alcohol advertising on television and increased consumption and broader social harms.

On the first count, it is difficult to argue that the current Code does not provide appropriate community safeguards when health outcomes are improving, and consumption is declining.

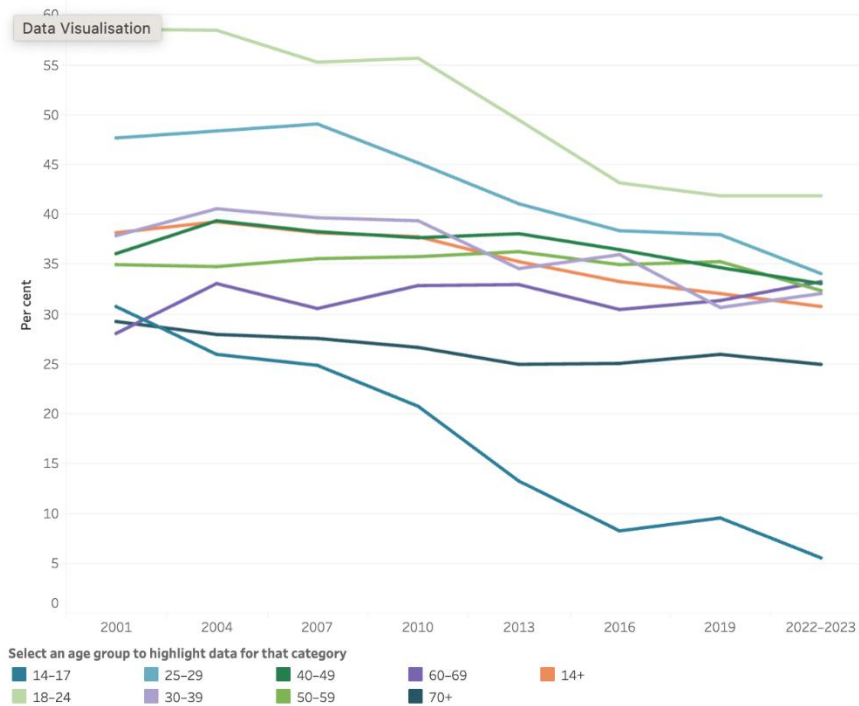
These documented improvements in health outcomes associated with alcohol consumption also repudiate many of the claims purporting to show a direct or indirect link between alcohol advertising on television and increased consumption and broader social harms. The independent AIHW research clearly shows that alcohol consumption is declining, and health outcomes are improving.

According to the National Drug Strategy Household Survey:

“Alcohol has a unique place in Australian society. While the number of people abstaining from alcohol has gradually increased over time, a majority of people in Australia do consume alcohol, and of those that do, most drink at safe levels.”

The allegation that dangerous and excessive drinking is increasing does not reflect the facts – in that - per capita alcohol consumption has been declining for the last 50 years.

The 2022–2023 National Drug Strategy Household Survey (NDSHS) continued a trend of gradually declining risky drinking in Australia since 2004, when 39% of the population consumed alcohol at risky levels.



According to an AIHW 2023 report, the proportion of people who took part in at least one risky activity under the influence of alcohol reduced from 17.4 per cent in 2016 to 14.7 per cent in 2022–2023, continuing the downward trend occurring since 2010 when 22% of people had done so. Similar reductions occurred in individual risky activities, including driving a motor vehicle.

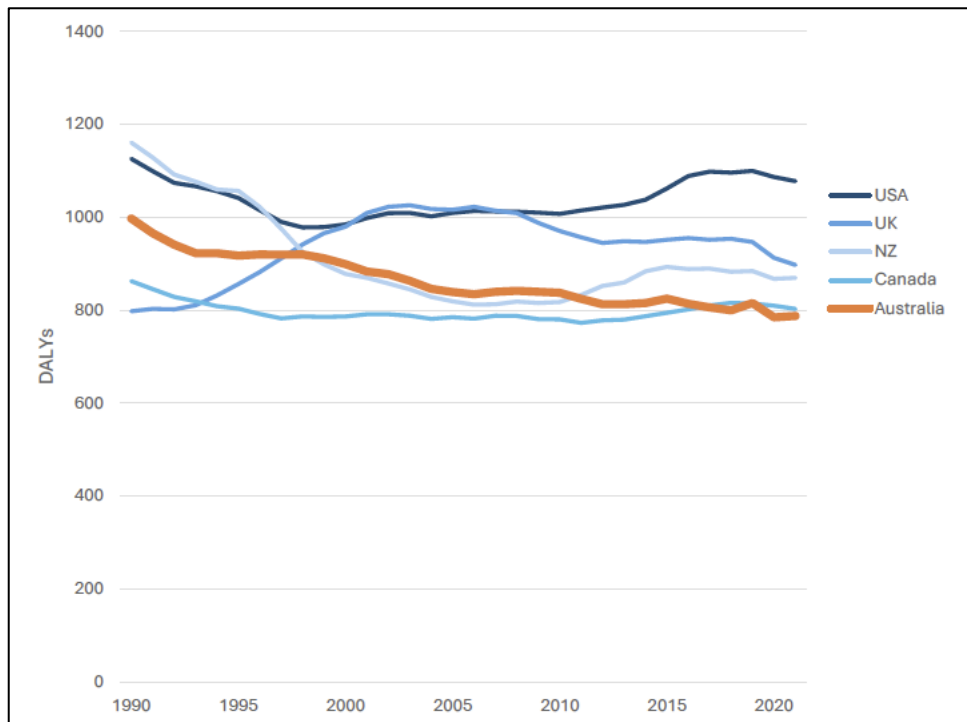
Over the same period, measures of heavy episodic drinking (HED) also declined by 13 per cent between 2010 and 2016. Likewise, the rate of age-standardised alcohol attributable deaths has declined by 13% in the period 2003 to 2018, and the rate of age-standardised alcohol attributable total burden (Disability-adjusted life year - DALY) has fallen by 10 per cent.

The burden of disease from high alcohol use in Australia has also declined significantly over the last 30 years. The chart below shows Disability-Adjusted Life Years (DALYs) per 100,000 people from 1990 to 2020. DALYs measure the overall burden of disease by combining years of life lost due to premature death and years lived with disability.

The graph below indicates a steady decline in alcohol-related health impacts over the decades, suggesting that Australians are being more responsible with their consumption of

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alcohol. Importantly, Australia (787.4) now has fewer DALYs than the USA (1077.6), UK (897.3), New Zealand (869.9) and Canada (802.7).



This positive trend is also confirmed in recent analysis by the International Association for Responsible Drinking (of the Australian market), using the latest results from the Global Burden of Disease 2021 data release on 16 May 2024:

- High alcohol use has declined in line with the global trend (-3%)
- Mortality rates for all causes attributable to alcohol have declined (-8%)
- Morbidity rates for all causes attributable to alcohol among young people aged 20 years or less have declined (-18%)
- Morbidity rates for all road injuries attributable to alcohol use have declined (-31 %).

In reference to the ACMA review, these statistics and data do not indicate a failure of the current Commercial Television Industry Code of Practice (CTICP), to provide appropriate community standards – and have not established a direct or indirect link between alcohol advertising on television and increased consumption and broader social harms.

OVERALL RESPONSE TO THE REVIEW

In making a submission to the ACMA review of alcohol advertising on free TV, the ADA believes it is important to first consider the effectiveness and appropriateness of the existing arrangements.

Given an evaluation of the existing arrangements is a statutory requirement before imposing any restrictions, as ACMA must be satisfied that current Commercial Television Industry Code of Practice (CTICP) fails to provide "appropriate community safeguards".

The evidentiary burden for those seeking to impose any additional restrictions, especially program standards, is to adequately demonstrate that the current code is NOT currently providing appropriate community standards.

A highly regulated industry

In Australia, we have laws to regulate the production of alcohol, when and how people purchase and consume alcohol, and how it is advertised and marketed.

While these laws and regulations are designed to protect consumers, they are also there to promote responsible consumption.

The Australian alcohol market is among the world's most highly regulated, with an extensive framework of federal, state and territory and local regulations applying to the manufacture and sale of spirits.

It is therefore reassuring that the ACMA states in the terms of Reference for the review that "We acknowledge that alcohol products and the advertising of such products are already subject to a wide range of regulatory requirements in Australia."

This acknowledgement, and the data provided above indicating an overall reduction in alcohol consumption leads us to ask why there is a need for further regulations in alcohol advertising on free to air television.

Existing regulations

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The existing regulatory framework for alcohol marketing carried on free-to-air TV combines the CTICP, the ABAC Responsible Alcohol Marketing Code (ABAC Code), ABAC's pre-vetting and complaints systems, and Free TV's ClearAds pre-clearance service.

In addition, alcohol marketing is subject to the AANA Code of Ethics and the Ad Standards public complaints process. This combination provides a comprehensive approach to alcohol marketing on free-to-air TV.

The placement of alcohol commercials on television channels requires numerous checks to ensure compliance with the relevant codes and the industry must comply with the highest standards of each applicable code.

This current framework provides safeguards for the community by:

1. Requiring pre-vetting clearance of the content of alcohol advertisements before broadcast.
2. Limiting the exposure of minors to alcohol advertisements through a combination of time-of-day restrictions (CTICP) and restricting advertising to programs reasonably expected to attract an audience of at least 80% adults, irrespective of the time of day the program is broadcast (ABAC); and
3. Providing a public complaints and determination process.

The Australian Communications and Media Authority (ACMA) is the independent Commonwealth statutory authority for the regulation of communications and media services in Australia.

The ACMA's purpose is to contribute to maximising the economic and social benefits of communications infrastructure, content and services for Australia. It does this by maintaining, enforcing and improving regulation to drive industry performance and protect consumers.

The ACMA is also responsible for a broad range of functions which are spread across multiple pieces of legislation including the Telecommunications Act 1997, Broadcasting Services Act 1992 and Australian Communications and Media Authority Act 2005.

Importantly, the ACMA sets and manages rules about communications and media services and markets. **It is not a health or scientific body and if our understanding of the review is correct - in that it aims to determine if the Code of practice is providing appropriate community safeguards – then it must not be a health review of alcohol consumption in disguise.**

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Under section 125 of the Broadcasting Services Act, in order to make changes to the current regulatory setting, ACMA must be satisfied that there is convincing evidence that the Code of practice is not providing appropriate community safeguards.

Because ACMA's power to determine a standard is discretionary, even if it is satisfied that there is "convincing evidence" that the Commercial Television Industry Code of Practice (CTICP), is not providing 'appropriate community standards' – other matters may justify not making a standard.

On balance, ACMA will take into account other impacts, and in the case of the alcohol advertising review, this includes the economic contribution of alcohol advertising on commercial TV.

Therefore, any submissions recommending further restrictions, must not only make the case for more regulation, they must address how any additional regulations take into account the economic contribution of alcohol advertising.

The ADA submits that this impact is especially relevant for sporting clubs and associations across Australia, especially in regional and remote areas.

The Australian National Sport Strategy aspires to *"Building healthy, active, connected communities and a thriving sport system"* with sport delivering \$83 billion in combined economic, health and education benefits to Australia annually.

The National Sport Strategy highlights that physical inactivity is the 9th leading preventable cause of ill health and premature death, responsible for 2.5% of total disease burden in Australia (in 2018) and that the benefits of sport include improved health and wellbeing, strengthened social connections, and increased productivity.

The Strategy also recognises the importance of collaborative arrangements in delivering policies, programs, community infrastructure and services needed to build healthy, active, connected communities and a thriving sport system.

In addressing how the review can take into account the economic contribution of alcohol advertising on television, the ADA refers to Members of Parliament who have referenced the connection between the alcohol industry and local sport in support of legislation for the beer excise freeze:

Member for Paterson NSW:

"In Paterson alone, we have around 340 licensed venues that will benefit from this policy. Three-quarters of them are small, family run businesses, the sorts that

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sponsor junior footy teams, host raffles, take on apprentices and put their profits straight back into their communities.”

Member for Braddon Tasmania:

“These are the venues that sponsor the local footy team, host charity raffles and employ young people starting out in the workforce, many of them university students.”

Member for Barton NSW:

“These are the venues that sponsor the local footy club, host family dinners, employ young people, train chefs, host charity events and offer a safe and social space for neighbours to connect.”

Member for Hunter NSW:

“In Kurri I’ve seen the pubs chip in to sporting clubs when the season’s gone a fraction over budget.”

Member for Deakin Victoria:

“I’ve got a lot of local bowls clubs, footy clubs and cricket clubs who rely on revenue generated from draught beer to help subsidise the important work they do, whether it’s supporting a family on a lower income with the cost of a uniform or footy boots, or keeping up the quality of the venue. They are covering essential costs for community organisations who are doing important work and providing a sense of social connection.”

Approximately half of all local sports clubs, particularly in regional areas and in codes like rugby league, soccer, netball and Australian Rules Football, are sponsored by the alcohol industry.

The Australian Alcohol Strategy also acknowledges the roles that alcohol plays in the economy, including through advertising, stating that “The alcohol manufacturing industry, wider retail and hospitality industries, advertising, broadcasting and sporting industries play a significant role in Australia’s economy and social fabric.

Governments collect a significant amount of revenue via measures such as alcohol excise and liquor licence fees.”

ACMA must therefore balance the risk of over-regulation against these benefits, and the review should take into account the positive role that the alcohol industry plays.

We take our responsibilities seriously

The ADA is committed to the responsible and safe consumption of alcohol which is evidenced by our voluntary participation in a number of industry-led activities and self-regulatory schemes, as well as individual initiatives by member companies.

Our industry has a strong track record of regulatory compliance and working proactively to ensure our products are consumed responsibly and we are committed to ensuring the industry grows safely and sustainably, so that Australians may continue to enjoy our products.

The Alcohol Beverages Advertising Code

The Australian spirits industry jointly funds and we are signatories to the Alcohol Beverage Advertising Code Scheme (ABAC) Responsible Marketing Code, which is continually revised to meet community expectations.

Founded in 1998, the ABAC Responsible Marketing Code sets key standards for the responsible content and placement of alcohol marketing in Australia. It applies beyond traditional forms of advertising (television, radio, print and outdoor) to alcohol marketing communications in emerging digital and social media.

ABAC signatories represent approx. 92% of alcohol producers and 65% of alcohol retailer media spend in Australia but ABAC's decision-makers — pre-vetters and panel members — are entirely independent of the alcohol and advertising industries.

ABAC operates through three integrated components:

1. The ABAC Responsible Alcohol Marketing Code — setting content and placement standards for all alcohol marketing in any medium.
2. The ABAC pre-vetting service — providing advance clearance of proposed marketing before release (mandatory for broadcast television advertising by signatories).
3. The ABAC public complaints process and independent Adjudication Panel — providing a safety net for public concerns about marketing communications through transparent, procedurally fair complaint determinations.

Spirits producers are the highest users of ABAC's pre-vetting service, demonstrating our industry's commitment to proactively engaging with ABAC to ensure compliance with the Code.

It is important to recognise that compliance with Panel determinations by signatories has been 100% for the 28 years of the Scheme's operation.

To maintain industry best practice and to address changes in the market and community, a revised Code was released in April 2023, following extensive consultation and review.

In 2023 ABAC announced the implementation of a revised and updated ABAC Responsible Alcohol Marketing Code ("Code"). Key changes included:

- Increasing the percentage of adult viewers required before alcohol advertising is permitted around television programmes from 75% to 80% to ensure Australia's Code is best practice globally.
- Expanding the definition of 'Strong and Evident Appeal to Minors' to further ensure that alcohol advertisements do not engage young people.
- Expanding restrictions on the direct marketing of alcohol by toughening requirements to offer opt outs from this marketing and ensure these are honoured.

The Code now expressly outlines that alcoholic beverages cannot offer therapeutic or health benefits (including mental health) and cannot be used to help overcome problems or adversity.

There is now a specific definition in the Code which outlines that and "Alcohol Alternative means a beverage that is at or less than 0.5% alcohol by volume that:

- Has an appearance and style commonly associated with alcohol; and
- Uses a brand or descriptors commonly associated with alcohol, such as, beer, wine, spirit or other; and
- Is not a beverage commonly understood as non-alcoholic, such as fruit juice, soft drink, flavoured milk or other which fall outside the Code remit".

There is also now a definition for Alcohol Alternative Marketing Communications, which are now subject to ABAC by virtue of a new Part 5.

Other changes to the Code include the prohibitions against using social media influencers who are (or appear to be) under the age of 25 years of age.

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Also, in response to the impact of social media, the wording pertaining to the responsible and moderate portrayal of alcohol in 3(a)(i) and (ii) expands the definition of “excessive consumption” and adds a prohibition on “treat as amusing”.

As a result, brands will now be explicitly prohibited from using humorous memes and captions in advertising materials which encourages misuse or irresponsible behaviour related to the consumption of alcohol.

In announcing the changes, ABAC stated that:

“The ABAC scheme is already one of the strictest codes of its kind for alcohol advertising in the world. It is an example of government, industry and other independent stakeholders joining together to ensure alcohol advertising is appropriate and in line with efforts to reduce harmful consumption and protect young people. But we recognise the need for the Code to do more to keep pace with the changing marketing environment, particularly in relation to protecting young people.”

These updates and changes demonstrate that ABAC and the alcohol industry continue to ensure that the rules and regulations keep pace with the way that alcoholic products are marketed, sold and delivered.

Retail Drinks Online Code

Alcohol retailers, in collaboration with producers, government and community, developed the *Retail Drinks Online Code* as an industry-wide framework to enhance compliance in the responsible online sale and delivery of alcohol.

The Code was launched in July 2019 and is continually revised to meet evolving needs, with the latest revision occurring in November 2023. Signatories to the Code represent more than 80% of all alcohol purchased online in Australia.

DrinkWise

The Australia spirits industry continues to promote and support efforts to protect consumers and further improve the drinking habits of customers. This includes the proactive programs and campaigns by DrinkWise, and member initiatives aimed at encouraging responsible consumption.

Established in 2005, DrinkWise Australia is an independent, not-for-profit organisation focused on bringing about a healthier and safer drinking culture in Australia.

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Through our support of DrinkWise, we:

- Promote a generational change in the way Australians consume alcohol.
- Try to address underage drinking by educating young people about the impact that alcohol has on the development of the adolescent brain; and
- Increase awareness of the responsible service of alcohol, through moderation campaigns and educational tools to help enhance understanding of a standard drink, that alcohol is alcohol and the impact that harmful drinking can have on the human body.

To promote such significant behavioural changes, DrinkWise develops and implements a range of national information and education campaigns, as well as providing practical resources to help inform and support the community about alcohol use.

DrinkWise campaigns focus on personal responsibility and courtesy in the context of alcohol consumption emphasising the importance of moderation and respect during events, particularly in sports and cultural celebrations.

These campaigns include:

- ❖ “Always respect, always DrinkWise,”
- ❖ “Never Have I Never”
- ❖ “You won’t miss a moment if you DrinkWise” and the
- ❖ “It’s okay to say nay” campaigns.

Importantly, 69% of Australian sports fans said they adapted their behaviour to drink in moderation after seeing DrinkWise communications.

ADA initiatives

Our remit is not only to speak on behalf of our 430+ members via reviews such as these but to also provide resources, information and tools to ensure our national cohort of distillers are aware of their responsibilities.

To support this we:

1. Regularly provide updates and information including reinforcing the benefits of ABAC and the pre vetting service available.
2. Contribute as signatories to ABAC on behalf of all our members.

3. Offer webinars and guidelines to assist with compliance and understanding.
4. Participate in state and federal licensing and regulatory reviews/consultations and distribute regular updates to our members.
5. Ensure a member code of conduct is in place.
6. Proactively work with government to ensure that our regulatory framework is fit for purpose and not leading to unintended consequences or harmful consumption.
7. Are currently developing regulatory guidelines so our members always have the tools at hand e.g DrinkWise assets, and other labelling requirements.

The Existing Commercial Television Industry Code of Practice (CTICP)

Television broadcasters and alcohol companies operate in a shared regulatory environment governing television alcohol marketing.

The ADA supports appropriate regulations that offer consumers protection through effective regulations and the availability of information necessary to support them making informed choices as adults in the consumption of a legal product.

Live sport is a uniquely Australian cultural setting with overwhelmingly adult audiences, where existing safeguards apply through both scheduling rules and audience composition requirements.

There are a number of appropriate provisions under the Commercial Television Industry Code of Practice (CTICP), that already restrict when alcohol advertising may be broadcast on free-to-air television, including during live sporting broadcasts, and we continue to support the application of these protections for underage consumers.

In particular, we continue to support the restrictions on alcohol advertising, with the provision that compliant advertising is permitted “as an accompaniment to a sports program on a weekend or a Public Holiday” when it is more likely that an adult will be present.

We note that ABAC did not support the changes to the Commercial Television Industry Code of Practice (CTICP) proposed by Free TV last year.

The ADA shares the concerns raised about the proposed expansion of times during which alcohol advertising may be shown during the day when children are not at school and are generally at home (school holidays, public holidays and weekends) and is expanded beyond 12 -3pm on school days to include 10 am – 12 midday.

The Australian spirits industry and wider alcohol industry expressed concerns at the time, that while the Code needs to be updated to reflect changing consumer preferences and consumption behaviours, there was not a case to be made for the expansion of viewing times for alcohol advertising.

It has also been noted that proposed changes are inconsistent with ABAC guidance to alcohol marketers in relation to digital commercial television via a connected television which was developed to address community concerns about family co-viewing, which recommendations that, in addition to meeting ABAC placement standards alcohol marketers do not place advertisements with C, P or G (excl sports) content and between 5am and midday.

The ADA supports the continuation of appropriate restrictions on alcohol advertising, including during sporting broadcasts, and to the ongoing protection of minors and underage consumers through regulatory frameworks such as ABAC and a fit-for-purpose Commercial Television Industry Code of Practice (CTICP).

ABAC and the Commercial Television Industry Code of Practice (CTICP)

In reviewing the effectiveness of the Commercial Television Industry Code of Practice (CTICP), in providing appropriate community safeguards it is important to recognise the critical role of the ABAC framework in the effectiveness of the CTICP.

Under the current regulatory framework television broadcasters and alcohol companies operate within a shared regulatory environment.

The CTICP and ABAC Code explicitly recognise and reinforce each other:

1. The CTICP states that television advertisers are expected to ensure their advertising complies with the ABAC Code.
2. ClearAds alerts advertisers if an advertisement is likely to attract an ABAC complaint and withdraws its approval if the Panel finds a breach.
3. The ABAC Code (Part 4(a)) requires that alcohol marketing communications comply with placement codes published by Australian media industry bodies, including the CTICP.
4. ABAC signatories must obtain pre-vetting clearance for all television alcohol advertising.

It is also crucial to recognise that Part 4 of the ABAC Code applies to ads shown with sport, namely:

- If the platform over which the sports program/event is carried has age restriction controls, then these controls must be used by the alcohol marketer to exclude minors; and
- The reasonably expected audience of the sports program/event must be at least 80% adults

Accordingly, while the CTICP permits alcohol advertising with sport irrespective of the time of day the sports broadcast is taking place, the ABAC Code only permits alcohol advertising with sports where the audience of the broadcast is very strongly skewed to adults.

The ADA supports the continuation and strengthening of this shared regulatory environment and suggests that the ACMA review of how the current alcohol advertising restrictions, set out under part 6.2 of the Commercial Television Industry Code of Practice (CTICP), are operating and if they provide appropriate community safeguards, must take into account other regulatory frameworks, especially the role of ABAC in supporting the CTIP in providing appropriate community safeguards.

Evidentiary Threshold

The ACMA Review Terms of Reference clearly state that the review does not presuppose an outcome, including if any additional or strengthened regulatory intervention is required.

With presupposing the outcome of the review but based on the positions and views presented, we do not believe that the evidentiary burden will be met to prove that the current – as opposed to the proposed – code of practice can be deemed to be failing to provide "appropriate community safeguards."

Under section 125 of the Broadcasting Services Act, ACMA must be satisfied that there is convincing evidence that the Code of practice is not providing appropriate community safeguards.

Based on the independent research and statistics, the case against the existing restrictions has not been made.

Therefore, the case for additional restrictions has not been made.

Furthermore, we contend that the data and statistics clearly show that under the current Code, drinking outcomes are improving, especially the number of Australians drinking in moderation, further undermining the contention that additional regulations and restrictions are required.

Regardless of the worthiness and desirability to further improve public health outcomes, this is not a valid justification for ACMA to impose additional restrictions or new regulations.

Available evidence does not support the proposition that alcohol advertising is a significant community concern. A nationally representative online survey of 1,500 Australian adults conducted by JWS Research in 2025 found that alcohol marketing ranked lowest out of 14 societal issues tested, with only 12% of respondents identifying it as a significant concern, down from 16% in 2021.

Importantly the review Terms of Reference acknowledges that the review will provide a fact base that can be used by industry and Free TV in the development of a revised Commercial Television Industry Code of Practice (CTICP), that can be re-submitted to ACMA.

This is an important guide to the need to allow the industry to respond to the outcomes of the review before any additional restrictions are imposed on the industry.

We strongly endorse this approach and requests that industry be provided with sufficient opportunity to consider the outcomes of the review in the development of revised code of practice. Regardless of any findings supporting program standard under section 125 of the BSA, we believe that the free to air broadcasters and the alcohol industry be given opportunity to address these through a revised code.

Improvements to the industry Code of Practice can be better achieved through consultation, and that there are some areas of the existing arrangements that can be achieved through a revised Code of Practice that can be re-submitted to ACMA for approval.

As discussed earlier in this submission, the ADA recommends that the ACMA review take into account other regulatory frameworks, especially the role of ABAC in supporting the CTIP in providing appropriate community safeguards.

We also highlight the important role of other regulatory models in providing appropriate community safeguards for example ABAC measures such as:

- In 2025, only 5% of Panel decisions related to broadcast television, and none of those resulted in a breach finding.

- The alcohol category attracts less than 4% of all public complaints about advertising.

Results and outcomes such as those from ABAC and the Australian Institute of Health and Welfare are crucial to understanding and evaluating the protections offered to the community.

We also highlight ABAC's recent environmental scan of the alcohol marketing regulatory landscape did not identify alcohol advertising on broadcast television as posing a systemic regulatory risk.

Conclusion

While we support appropriate regulation and promotion of responsible consumption - it is our belief that there is insufficient evidence or demonstrated need for additional restrictions on alcohol advertising in sport.

Our community now reflects a more mature and healthy relationship between society and alcohol.

For an already heavily regulated industry the development of appropriate policy responses should only be considered where they are warranted and required.

Alongside our industry partners, our submission provides independent data and research on the improving alcohol consumption trends in Australia, and the associated improving health outcomes, which are occurring under the current regulator arrangements.

It is evidenced that further restrictions will likely lead to unintended consequences and negative outcomes such as reduced funding for sport and other community activities.

The ADA supports the recommendations by ABAC to strengthen the shared regulatory system without the complexity of a new standard, for example:

- Aligning the CTICP definition of 'commercial for alcoholic drinks' with the broader ABAC definition of alcohol marketing, to address new forms of advertising not captured by the current definition.
- Incorporating the ABAC placement standards (in particular the 80% adult audience requirement) into the CTICP, to extend protection to programs broadcast outside current time-of-day restrictions.

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The ADA will continue to advocate for sensible and appropriate reforms that balance the choice for Australian consumers with the obligations and responsibilities that ensure that alcohol is consumed safely and appropriately.

Yours sincerely,

KYLIE LETHBRIDGE
General Manger