



RETAIL DRINKS AUSTRALIA

SUBMISSION:
Review Into Alcohol Advertising Restrictions in the Commercial
Television Industry Code of Practice
30 APRIL 2026

ENHANCING THE FREEDOM TO RETAIL RESPONSIBLY

30 April 2026

Nerida O'Loughlin PSM
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REVIEW INTO ALCOHOL ADVERTISING RESTRICTIONS IN THE COMMERCIAL TELEVISION INDUSTRY CODE OF PRACTICE (FREE TV CODE)

Dear Ms O'Loughlin

On behalf of Retail Drinks Australia (**Retail Drinks**), we appreciate the opportunity to provide a submission to the Australian Communications and Media Authority (**ACMA**) in relation to its review of alcohol advertising restrictions in the Commercial Television Industry Code of Practice (**Free TV Code**).

This review is an important one. Retail Drinks supports the objective of ensuring that appropriate community safeguards are in place. However, as outlined in our submission, it is critical that any consideration of regulatory change is grounded in clear, causal evidence and reflects the full regulatory and media landscape in which alcohol advertising operates.

Our submission highlights several key points:

- The existing regulatory framework, including the Free TV Code and the ABAC Scheme, is comprehensive and effective.
- Long-term national data demonstrates declining alcohol consumption and reductions in risky drinking behaviours, including among younger Australians.
- There is no clear evidence that current television advertising settings are driving increased harm outcomes.
- Further restrictions risk unintended consequences, including the displacement of advertising into less regulated channels and disproportionate impacts on small and medium-sized businesses.
- The current co-regulatory model remains appropriate, flexible and effective, and should be maintained.

Retail Drinks submits that, in the absence of compelling evidence that existing safeguards are failing, a move toward more prescriptive regulatory intervention would not be proportionate and may undermine a system that is currently delivering balanced outcomes.

We would welcome the opportunity to continue engaging with ACMA as policy development progresses. Please do not hesitate to contact me via (E) info@retaildrinks.org.au or (P) 02 8335 3200 to discuss further.

Sincerely,

Michael Waters
Chief Executive Officer

BACKGROUND

ABOUT RETAIL DRINKS:

[Retail Drinks](#) is the national industry body representing the needs and interests of Australia's \$18 billion packaged (retail) liquor sector, with a vision to enhance the freedom to retail responsibly. Our membership represents the majority of all packaged (retail) liquor licences in Australia, and members comprise some of the most recognised and trusted companies and brands in the industry, including:

- *Independent Retailers*, whether operating under a known retail banner/brand, or their own.
- *Chain Retailers*, including Coles Liquor and Endeavour Group.
- Small and large *Online Retailers* and retail marketplaces.
- *Retail Banner Groups*, including Independent Brands Australia (Cellarbrations, The Bottle-O, IGA Liquor, Porter's Liquor, etc), Independent Liquor Group (Bottler, Fleet Street, and Super Cellars), Independent Liquor Retailers (Local Liquor, Countrywide Liquor, Liquor & Co), Liquor Legends (Liquor Legends and Urban Cellars), Liquor Marketing Group (Bottlemart, Sip n Save, and Harry Brown), and Liquor Stax; and
- Small and large beverage producers, suppliers and service providers to the retail liquor industry.

Our members regularly utilise multichannel approaches to promote and advertise to consumers in a responsible manner, adhering to the relevant sections of the *Broadcasting Services Act 1992*, the Alcohol Beverages Advertising Code scheme, the Australian Association of National Advertisers Code of Ethics, the Retail Drinks Product Ranging Guidelines, in addition to the various State and Territory regulations and guidelines.

Our commitment to responsible retailing:

Retail Drinks supports the overarching objective of ensuring appropriate community safeguards are in place. We are committed to responsible retailing and promote standards of operation beyond required legal compliance, and have implemented a range of voluntary promotion, product, sales and service control, as well as safety and security initiatives adopted by members and the broader industry. These [industry responsibility initiatives](#) include:

- **Product Ranging Guidelines** - have been developed to assist liquor store operators make product ranging choices to minimise potential misuse and subsequent harm related to excessive alcohol consumption.
- **Choose to DrinkWise** – developed in partnership with DrinkWise, this initiative aims to promote responsible alcohol consumption, via consistent retail moderation messages.
- **ID25 & Don't Buy It For Them** – discourages underage attempts at purchase, and educates parents, adults and the broader community about their responsibility to not secondary supply to minors or vulnerable individuals.
- **Safe to Serve** – tackles retail liquor crime by creating a secure environment for employees and customers and promoting a culture of safety, respect, and responsibility.
- **Online Alcohol Sale & Delivery Code of Conduct** - an industry-wide framework developed in collaboration with government and community to enhance compliance in the responsible online sale and delivery of alcohol.

We emphasise to ACMA that any regulatory intervention must be evidence-based, proportionate, and cognisant of the broader regulatory environment in which alcohol advertising already operates.

COMMENTS TO THE REVIEW TERMS OF REFERENCE

THE EXISTING REGULATORY FRAMEWORK:

A central issue for this review is whether the current framework provides appropriate community safeguards. In considering this question, it is essential to recognise that alcohol advertising on commercial television is not lightly regulated.

The current system is layered and robust. It includes classification-based time restrictions under the Free TV Code, strict limitations on advertising during children's programming, and the broader co-regulatory framework established under the *Broadcasting Services Act 1992 (the Act)*. These measures are reinforced by the Alcohol Beverages Advertising Code (**ABAC**) scheme, which applies across multiple media platforms and imposes detailed requirements on both the content and placement of alcohol advertising. This is in addition to the Australian Association of National Advertisers (**AANA**) Code of Ethics, which applies to all advertising, including alcohol, and the processes undertaken by ClearAds when alcohol advertisements are classified, in seeking confirmation that they have undergone ABAC pre-vetting before they can be aired. Beyond this, every State and Territory have additional regulatory guidelines specifically focused on the promotion of alcohol.

The ABAC framework is particularly significant in the process. It establishes clear rules prohibiting advertising that appeals strongly to minors, promotes irresponsible consumption, or misrepresents the effects of alcohol. It also includes placement restrictions designed to ensure that advertising is directed to adult audiences. Importantly, it is supported by a transparent complaints and adjudication process and includes both industry and government representation. By way of example, the *ABAC Responsible Alcohol Marketing Code* imposes strict requirements on content and also requires that, where age-restriction controls are not available, the audience must be “*reasonably expected to comprise at least 80% adults.*”¹

As Retail Drinks has consistently articulated, the industry already operates within a mature and effective regulatory system governing the promotion of alcohol. There is no clear evidence that this framework is failing or that additional, duplicative layers of regulation are required.

JURISDICTIONAL CONSTRAINTS ON REGULATORY INTERVENTION

Retail Drinks contends that while ACMA has a power to determine a program standard under section 125 of the Act that the threshold for use of this power have not been met. There is no “*convincing evidence*” that the existing Code “*is not operating to provide appropriate community safeguards*”.

It is not sufficient for ACMA to identify community concern. The Act requires compelling evidence that the existing Code is failing in practice. The existing framework - including the Free TV Code, the ABAC Responsible Alcohol Marketing Code, AANA, ClearAds, other industry Codes (such as the Retail Drinks Product Ranging Guidelines), and the relevant State and Territory promotion guidelines - together provide a functioning co-regulatory system.

As outlined in sections 1 and 2 of this submission, long-term national data demonstrates sustained reductions in per capita alcohol consumption and risky drinking behaviours across the Australian population, including among young people. This evidence is inconsistent with a finding that the current framework is not operating to provide appropriate community safeguards.

While section 125A of the Act provides that ACMA must determine a gambling promotion program standard if directed to do so by the Minister, no equivalent provision exists for alcohol advertising. It would be inconsistent with the legislative framework for ACMA to treat the section 125 pathway as functionally equivalent to the section 125A mechanism.

¹ ABAC, [Responsible Alcohol Marketing Code](#), Clause 4(b)

Finally, ACMA's jurisdiction under the Act is confined to licensed broadcasting services, including commercial free-to-air television licensees. The Free TV Code does not extend to streaming services, video on demand platforms, social media, or other digital channels. This is not a regulatory gap that ACMA can address through a program standard, it is a structural limitation on the scope of the Act itself. However, this gap has already been filled with the ABAC Code's media placement standards and ABAC Digital Marketing Guidelines which apply to digital channels. It is also covered in State and Territory guidelines such as the [NSW Liquor Promotion Guidelines](#).

THE IMPORTANCE OF AN EVIDENCE-BASED APPROACH

ACMA's Terms of Reference appropriately seek to examine whether there is a link between alcohol advertising on television, increased consumption, and broader social harms. This is a critical threshold issue. Retail Drinks submits that any regulatory intervention must be based on clear, causal evidence rather than assumption or correlation. The existence of alcohol-related harm in the community does not, in itself, establish that television advertising is a driver of that harm, nor that additional restrictions on television advertising would meaningfully reduce it.

Recent national data does not support a narrative that alcohol advertising exposure is driving increasing consumption or harm in Australia. On the contrary, long-term trends demonstrate a sustained moderation in alcohol use. The Australian Institute of Health and Welfare (AIHW) reports that per capita alcohol consumption has declined from 10.5 litres of pure alcohol per person in 2022–23 to 9.8 litres in 2023–24, the largest year-on-year decrease since records began in 1960–61.² This continues a broader downward trend when compared to historical peaks.

These trends are even more pronounced when examined at the cohort level. AIHW data also shows that the proportion of 14- to 17-year-olds abstaining from alcohol has more than doubled over the past two decades. Those indicating no alcohol consumed in the previous 12 months has risen from 31.8% in 2001 to 69.9% in 2022–23. Among those young people who do consume alcohol, the decline in risky drinking has followed a similar trend with those drinking more than 10 standard drinks per week falling from 18.0% to 1.6% over the same period. Meanwhile the proportion consuming more than four standard drinks on a single occasion at least monthly fell from 30.2% to 5.5%, representing a decline of more than 80%.³ For all Australians, those consuming more than 10 standard drinks per week have declined from 32% in 2004 to 25% in 2022–23, while the proportion consuming more than four standard drinks on a single occasion at least monthly fell from 30% to 24% over the same period.⁴

This represents a substantial cultural change and is inconsistent with claims that current advertising settings are contributing to increased harm, particularly among young people. The cohort that advertising restrictions are seeking to protect. This sustained improvement has taken place within the current regulatory settings, including those governing alcohol advertising on commercial television, the rise in alcohol sales licences, and the advent of online sale and delivery. It is difficult to reconcile this evidence with a conclusion that the existing framework is failing to provide appropriate community safeguards.

This picture is further reinforced by data on alcohol advertising expenditure on free-to-air television. The proportion of alcohol advertising on metropolitan and regional television, measured by media spend, has also declined. The volume of alcohol advertising to which audiences are exposed has therefore fallen materially under the current framework, contrary to any suggestion that the existing regulatory settings are permitting an escalation in advertising activity. These trends are inconsistent with the premise that further restrictions are required to address increasing exposure.

Importantly, reductions in consumption, risky drinking behaviour and advertising spend have occurred alongside broader trends in accessibility that do not support a simple relationship between availability and harm. Retail

² <https://www.aihw.gov.au/reports/alcohol/alcohol-available-for-consumption-in-australia/contents/trends-in-alcohol-available-for-consumption>

³ Australian Institute of Health and Welfare (27 May 2025), [National Drug Strategy Household Survey 2022–23](#), Table 4.27

⁴ Ibid.

Drinks notes that submissions to this review may seek to establish a connection between alcohol advertising and domestic or intimate partner violence, and that this framing has featured in public commentary surrounding the review. Retail Drinks submits that the available evidence does not support this characterisation and that any regulatory response premised on it would not be grounded in the standard of proof that section 125 of the Act requires.

Long-term crime data from the NSW Bureau of Crime Statistics and Research (**BOCSAR**) shows that key indicators, such as alcohol related domestic and non-domestic assault, have declined significantly in the past two decades despite increased accessibility. Between June 2006-June 2025 the number of alcohol related assaults declined by 43% to 16,967 incidents, while non-alcohol related assaults increased by 46% to 58,182 incidents.⁵ Retail Drinks supports commitments to minimise alcohol-related harm through its misuse and abuse. We strongly support and advocate for measures that are targeted, evidence-based, operationally feasible, and will genuinely reduce harm without destroying legitimate business or creating perverse consequences.

This is reinforced by analysis undertaken by [Data Analysis Australia](#), which examined the relationship between liquor outlet accessibility and harm across New South Wales using longitudinal modelling. The study found that the majority of domestic assaults are not attributable to liquor outlets, and that socio-demographic factors such as population density and disadvantage are far stronger predictors of harm.⁶ For example, in high-incidence areas, only a small proportion of assaults were estimated to be associated with liquor outlets, with the majority occurring independently of outlet presence. The study also highlights that many previous outlet density analyses rely on simplified or cross-sectional methodologies that are not capable of establishing causal relationships.

Taken together, this evidence demonstrates that increased accessibility through regulated retail channels does not drive increased harm. When considered alongside declining consumption and increased abstinence among younger Australians, it further reinforces the conclusion that structural factors, rather than advertising exposure or retail availability, are the primary determinants of harm outcomes. In this context, it would be inappropriate to pursue regulatory change in the absence of compelling evidence that existing safeguards are inadequate and that proposed interventions would deliver measurable benefits.

RISKS OF BROAD OR BLUNT REGULATORY CHANGE

Sport-Related Advertising

The treatment of alcohol advertising during sport is likely to be a central focus of this review. Retail Drinks acknowledges that this is an area of heightened public sensitivity, particularly given the broad and diverse audiences that live sport attracts. However, any proposal to remove or materially restrict existing sport-related exemptions must be approached with care and grounded in clear evidence.

Sport remains one of the few environments in which free-to-air television can consistently deliver large, simultaneous audiences at scale. Major sporting events routinely attract millions of viewers across Australia, spanning multiple demographics, including adult audiences who are the intended target of alcohol advertising. Free-to-air broadcasting of sport also plays a critical role in maintaining universal access to nationally significant events, supported in part by advertising revenue streams. According to ThinkTV, total television advertising revenue was approximately \$3.3 billion in FY2024, with sport representing a premium and commercially significant segment of that market.⁷

Importantly, alcohol advertising within sport is regulated. As stated above, it already operates within a comprehensive framework of safeguards, including classification-based time restrictions under the Free TV Code and the requirements of ABAC. The ABAC Responsible Alcohol Marketing Code imposes strict controls on content and placement, including prohibitions on directing advertising to minors or portraying irresponsible

⁵ <https://www.bocsar.nsw.gov.au/topic-areas/domestic-violence.html>

⁶ Data Analysis Australia (2026), [Liquor Outlet Density, Accessibility & Harm](#)

⁷ <https://thinktv.com.au/news/total-tv-advertising-revenue-fy24/>

consumption, and applies across broadcast, digital and sponsorship contexts.⁸ These controls are complemented by broader broadcasting restrictions, including prohibitions on alcohol advertising during children's programming. ClearAds also acts as an additional check. The system is designed to prevent non-compliant material from being broadcast in the first instance, not merely to respond to it after the fact.

A blanket removal or significant restriction of sport-related exemptions would therefore not represent a targeted response to a clearly identified regulatory failure. Rather, it would constitute a broad-based intervention that does not adequately distinguish between compliant and non-compliant conduct, nor between different types of audience exposure. This approach risks undermining an existing system that is already designed to balance commercial communication with community safeguards.

There is also limited evidence to suggest that exposure to alcohol advertising in sporting contexts, within the current regulatory framework, is a primary driver of harmful consumption. As noted earlier, data from the AIHW demonstrates that both per capita alcohol consumption and rates of risky drinking have declined over time. These trends have occurred during a period in which alcohol advertising during sport has remained permitted within regulated parameters, which calls into question the effectiveness of further restrictions in achieving harm reduction outcomes.

The unintended consequences of removing sport exemptions should also be carefully considered. Restricting advertising in this context would reduce the ability of compliant operators to reach adult consumers through a highly visible and regulated medium, while likely displacing advertising activity into less regulated or less transparent channels, including digital and offshore platforms. This risks weakening, rather than strengthening, the overall regulatory environment.

It is also relevant to note that the current advertising ecosystem actively supports the delivery of responsible drinking messages to the same audiences that alcohol advertising reaches. The DrinkWise Australia campaign, an evidence-based initiative developed in collaboration with sporting codes, broadcasters and event sponsors, is broadcast prominently during major sporting fixtures, including AFL and NRL matches, and is directed at predominantly adult audiences. The '*You won't miss a moment if you DrinkWise*' campaign encourages Australians who choose to drink to do so responsibly and has demonstrably contributed to positive cultural change around alcohol consumption at major events.⁹ The current framework therefore enables both legitimate commercial communication and the promotion of safer alcohol consumption behaviours through the same broadcast channels. Restricting access to those channels would not only reduce the reach of product advertising, it would reduce the reach of responsible drinking messaging delivered alongside it.

In addition, such a measure would have broader economic implications. Sporting organisations, broadcasters and event organisers rely on sponsorship and advertising revenue to support the production and free-to-air distribution of content. A reduction in this revenue base may impact the viability of certain broadcasts and diminish the accessibility of sport to the Australian public. Regulatory changes that unnecessarily constrain lawful advertising can have material downstream impacts on industry sustainability and small business participation.

For these reasons, Retail Drinks contends that any reconsideration of sport-related advertising exemptions must be evidence-based, proportionate and targeted. Absent a clear demonstration that the current framework is failing, broad restrictions are unlikely to deliver meaningful harm reduction outcomes and may instead create unintended regulatory and economic consequences.

Further Restrictions on Advertising Windows

There is also a risk that this review could lead to further restrictions on the time periods during which alcohol advertising is permitted.

⁸ <https://abac.org.au>

⁹ DrinkWise Australia, [You won't miss a moment if you DrinkWise](#)

Any such change would effectively compress advertising into later time slots, reducing the efficiency of campaigns and increasing the cost of reaching adult consumers. This would disproportionately impact smaller businesses and emerging brands, which rely on accessible advertising channels to compete in the market.

Importantly, restricting advertising on free-to-air television does not remove demand for advertising; it simply displaces that activity into other channels. Advertising budgets are typically reallocated rather than reduced, particularly in a fragmented and increasingly digital media environment.

This is highly relevant in the Australian context, where audiences are consuming more content across streaming services, social media and online video platforms. Your own department has identified a clear shift toward digital media consumption, particularly among younger demographics.¹⁰ At the same time, the Interactive Advertising Bureau Australia reports that digital advertising now represents the majority of total advertising spend in Australia, with online video and social media continuing to grow.¹¹

Critically, these platforms are not subject to the same consistent regulatory framework as free-to-air television. As you have noted, the Free TV Code does not apply to streaming and online services. This creates a risk that tighter restrictions on television advertising will simply shift activity into less regulated environments, reducing the overall effectiveness of existing safeguards.

In this context, platform-specific restrictions are unlikely to reduce overall exposure and may instead fragment the regulatory system. Any policy response must therefore consider the full media landscape and the likelihood of displacement effects.

Volume and Frequency Controls

Consideration of limits on the volume or frequency of alcohol advertising raises similar concerns. Such measures would reduce the visibility of compliant advertising without clear evidence that they would address the underlying drivers of harmful consumption. As mentioned above, national data from the Australian Institute of Health and Welfare demonstrates that both per capita alcohol consumption and key indicators of risky drinking have declined over time, despite the continued presence of regulated advertising. This suggests that broad exposure controls, in isolation, are unlikely to deliver meaningful harm reduction outcomes.

In practical terms, limits on advertising volume or frequency would not remove demand for advertising but would instead constrain access to available inventory. This would increase competition for a smaller pool of advertising opportunities, driving up costs and reducing the ability of businesses to maintain consistent brand visibility. Evidence from the ThinkTV indicates that television remains a premium advertising environment, with total TV advertising revenue of approximately \$3.3 billion in FY2024, reflecting its continued importance for mass-reach campaigns.¹² Restricting access to this inventory would therefore have material commercial implications.

These impacts would not be evenly distributed across the sector. Larger operators with diversified marketing budgets and established brand recognition are better positioned to absorb increased costs or reallocate expenditure across multiple channels, including digital, retail media and sponsorships. Smaller and emerging producers, by contrast, are more reliant on cost-effective, high-reach platforms such as free-to-air television to build brand awareness and compete in the market. The Interactive Advertising Bureau Australia reports that digital advertising now accounts for over 70% of total advertising spend in Australia, highlighting the growing complexity and cost of maintaining a multi-channel marketing presence.¹³

In this context, volume or frequency caps risk distorting competition by disproportionately disadvantaging smaller operators and new entrants, effectively entrenching the position of larger incumbents. This would reduce competitive pressure, limit innovation, and undermine the diversity of the sector over time. As Retail Drinks has consistently emphasised, including in other submissions, regulatory settings should support a level playing field

¹⁰ <https://www.acma.gov.au/publications/2024-12/report/communications-and-media-australia>

¹¹ <https://www.acma.gov.au/publications/2023-12/report/trends-media-use-australia>

¹² <https://thinktv.com.au/news/total-tv-advertising-revenue-fy24/>

¹³ <https://iabaustralia.com.au/resource/internet-advertising-revenue-report/>

and avoid unintended consequences that constrain legitimate business activity without delivering commensurate public benefit.

For these reasons, Retail Drinks submits that limits on the volume or frequency of alcohol advertising are unlikely to be an effective or proportionate policy response and should be approached with caution. Available evidence also does not support the proposition that alcohol advertising is a matter of significant community concern of the kind that would ordinarily warrant regulatory intervention of this nature. A nationally representative 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, a figure that has itself declined from 16% in 2021.¹⁴

This evidence is relevant not only to the question of whether regulatory intervention is warranted, but to the proportionality of any response that ACMA may be considering. Where community concern is demonstrably low, and where existing safeguards are operating effectively, the case for moving from a co-regulatory to a mandatory framework is correspondingly weak. Retail Drinks submits that any assessment of community safeguards under section 123 of the Act must consider the actual state of community concern as measured by reliable evidence, rather than the volume of advocacy from particular interest groups.

DISPLACEMENT EFFECTS AND REGULATORY INCONSISTENCY

A key structural issue with tightening restrictions on commercial television is the risk of displacement. ACMA has acknowledged that the Free TV Code does not apply to streaming services or other digital platforms. In a modern media environment, consumers move seamlessly across platforms. If restrictions are tightened in one channel but not others, advertising activity will naturally shift. This does not reduce exposure; it changes where and how that exposure occurs.

User behaviour on existing opt-out mechanisms provides direct empirical evidence of consumer demand, or more precisely the absence of it, in relation to alcohol advertising. SBS On Demand has implemented a user-controlled advertising opt-out function that allows registered users to exclude advertising in specified categories, including alcohol, wagering and quick service restaurants. Despite SBS On Demand having 4.5 million subscribers, just 4,740 users have elected to opt out of advertising in these categories.¹⁵ This figure is not consistent with a picture of widespread community demand to avoid alcohol advertising. When consumers are given a clear, accessible and cost-free mechanism to exclude alcohol advertising from their viewing experience, the overwhelming majority choose not to use it. This revealed preference is a more reliable indicator of genuine community sentiment than survey responses to hypothetical regulatory questions, and it substantially undermines the case for mandatory restrictions premised on public demand for reduced exposure.

It also risks creating an inconsistent regulatory landscape, where one medium is subject to significantly more restrictive rules than others without a clear policy justification. Retail Drinks submits that any regulatory approach must be cognisant of these dynamics. A fragmented approach will not achieve coherent or effective outcomes.

ECONOMIC AND MARKET CONSIDERATIONS

The economic dimension of this review is significant and should be given appropriate weight. Advertising plays a critical role in supporting the viability of commercial television, as well as the broader media and sporting ecosystem. Alcohol advertising forms part of that revenue base. Any reduction in advertising inventory or accessibility has flow-on effects, not only for advertisers but for broadcasters, content producers and sporting organisations. This is particularly important in the context of free-to-air broadcasting, which relies on advertising revenue to support the production and distribution of widely accessible content, including live sport and news. Reductions in advertising inventory place upward pressure on costs and reduce the efficiency of media

¹⁴ JWS Research (2025), [Alcohol Marketing Community Attitudes Survey](#)

¹⁵ Special Broadcasting Service Corporation (2025) [response to Question on Notice to the Environment and Communications Supplementary Budget Estimates 2025-2026 hearing. Committee Question Number: 233](#)

investment, particularly for sectors that depend on consistent, regulated channels to reach adult audiences. Over time, this can constrain investment in content, reduce the diversity of programming, and weaken the commercial foundations that underpin Australia's media landscape. In the sporting context, diminished advertising and sponsorship revenue may also impact the sustainability of events and the continued accessibility of sport to the Australian public.

At the industry level, further restrictions would have uneven impacts. Larger businesses may be able to absorb changes or shift expenditure into alternative channels, including digital, retail media and sponsorships, where they already have established scale and capability. Smaller businesses, however, are more reliant on accessible and cost-effective advertising platforms such as free-to-air television to build brand awareness and reach broad audiences. For these operators, reduced access to television advertising increases the cost of customer acquisition and limits their ability to compete effectively. Over time, this risks entrenching the position of larger incumbents, reducing competitive pressure and constraining innovation and diversity within the sector.

Retail Drinks also notes the Prime Minister's announcement of 2 April 2026 regarding the reform of gambling advertising. While Retail Drinks submits that the gambling reforms should not be treated as a precedent or template for equivalent intervention in relation to alcohol advertising, and that any analogy between the two categories is not supported by the available evidence.

The alcohol sector has operated within a structured co-regulatory framework for responsible advertising and promotion for more than 25 years. That framework imposes detailed requirements on both the content and placement of alcohol advertising that extend beyond the general broadcasting codes applicable to other categories of content. The gambling reforms, by contrast, were directed at a category that lacked equivalent co-regulatory safeguards and that was subject to a fundamentally different legislative mechanism under section 125A of the Act, which provides for a mandatory ministerial direction power that has no equivalent in relation to alcohol.

Community attitudes toward alcohol advertising are not of the same character or intensity as those directed at gambling advertising, and Retail Drinks submits that it would not be appropriate for ACMA to treat the political and regulatory response to gambling as indicative of the response warranted for alcohol. To do so would be to disregard the evidence and to apply a standard designed for a materially different set of circumstances.


Retail Drinks will always support balanced, fair approaches that do not benefit one side more than the other. Under this context, it is clear that changes will have a material impact on smaller businesses and we are therefore conscious of its broader impacts.

THE CASE FOR MAINTAINING CO-REGULATION

Retail Drinks also notes that the co-regulatory framework established under the Act is designed to ensure that industry codes are the primary mechanism for addressing matters of this nature, with direct regulatory intervention reserved for circumstances where those codes demonstrably fail to provide appropriate community safeguards. In this context, a move to a mandatory program standard should be regarded as a measure of last resort, not a default policy response.

The existing model provides important practical advantages. Industry-led frameworks such as the ABAC Scheme can respond more quickly to emerging issues, evolving community expectations and changes in technology than prescriptive regulation. They also operate across multiple platforms, ensuring a more consistent and cohesive approach than medium-specific rules. This flexibility is critical in a media environment characterised by rapid change and increasing fragmentation.

Importantly, the effectiveness of co-regulation is reinforced by strong industry incentives to comply. Retailers, producers and advertisers have a clear commercial and reputational interest in maintaining community trust and avoiding regulatory intervention. This creates a system in which compliance is actively maintained, rather than solely enforced through regulatory action.

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CONCLUDING REMARKS

Retail Drinks submits that the existing co-regulatory model remains appropriate and effective. Any move away from this framework would risk reducing responsiveness, increasing complexity, and undermining a system that is currently delivering balanced and proportionate outcomes. The current regulatory framework governing alcohol advertising on commercial television is comprehensive and effective. It already incorporates multiple layers of protection, including classification rules, statutory safeguards and industry-led regulation.

There is no clear evidence that these arrangements are inadequate or that further restrictions would produce meaningful reductions in alcohol-related harm. Conversely, there is a clear risk that additional regulation would have unintended consequences, including market distortion, reduced competition, and the displacement of advertising into less regulated environments.

Finally, section 125 of the Act requires “*convincing evidence*” that the existing Free TV Code “*is not operating to provide appropriate community safeguards*”. It must be established that the existing Code is failing in practice, and we strongly contend it has not been. We submit that there is not a compelling case for reform, and as such the existing co-regulatory model should be maintained.

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