



Manager, Content and Media Reform  
Australian Communications and Media Authority  
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C/O [CAMR@acma.gov.au](mailto:CAMR@acma.gov.au)

Dear ACMA,

This submission is in response to the public consultation on the *Review into alcohol advertising restrictions in the Free TV Code* (the Code).

The Royal Life Saving Society WA is the leading provider of water safety education and training in Western Australia (WA). Our purpose is to bring people together to eliminate drowning and empower communities to be safe around water. As a leading advocate for safe aquatic participation and behaviours, our programs seek to empower the WA community to be safe when they are in, on or around the water and to ensure that all West Australians possess water safety, swimming, survival and rescue skills. We have a particular interest in reducing alcohol-related harm, as alcohol is a key risk factor in drowning deaths in WA.

### **The harms of alcohol and alcohol advertising**

From a drowning prevention and broader injury prevention perspective, Royal Life Saving WA strongly supports ACMA's decision to undertake this review to strengthen community safeguards and reduce harm arising from alcohol advertising. We understand the significant consequences of inadequate regulation for public health and safety, particularly when harmful products are promoted without sufficient safeguards.

The health and injury implications of alcohol cannot be questioned:

- Australia is currently experiencing the highest rates of alcohol-induced deaths in more than 20 years.<sup>1</sup>
- Alcohol is the leading risk factor of injury in Australia<sup>2</sup>, contributing to 14% of the overall injury burden.<sup>3</sup>
- Around 1 in 3 Australians consume alcohol at levels above national guideline recommendations, placing them at significantly increased risk of injury.<sup>4</sup>

Alcohol advertising, which is facilitated by the existing Free TV Code, is contributing to this harm. Marketing is a key driver of alcohol use.<sup>5</sup> Millions of Australians watch commercial broadcast television (TV) - over 50 per cent of adults, according to ACMA's latest data.<sup>6</sup> The Code, and the extensive alcohol advertising it permits on commercial TV, is directly contributing to serious harms in the Australian community.

Given these harms, it is critical that ACMA recognises alcohol as a unique and harmful commodity, regulates it appropriately and prevents harm in the Australian community.



### **Alcohol advertising and drowning**

Alcohol use in and around water is a major risk factor for injuries, including fatal and non-fatal drowning.<sup>7</sup> Alcohol impairs judgement, increases risk-taking behaviour, reduces coordination and impairs reaction time.<sup>8</sup>

We are a water loving nation, and we embrace recreational activities in and around waterways as an 'Australian way of life'. While alcohol is implicated in the drowning deaths of adults of all ages, young people are particularly at risk. Research indicates that young Australians regularly mix alcohol and activities around waterways, citing it as a cultural norm.<sup>9</sup> This is exacerbated by an ever-present 'aquatic alcogenic environment' consisting of alcohol advertising that promotes drinking in and around the water, including content appealing to young people.<sup>10</sup>

Given the high prevalence of alcohol-related harm among young people, delaying alcohol initiation and preventing risky use is a priority. Alcohol consumption is heavily influenced by the broader social and commercial context, including alcohol advertising and promotion. The marketing efforts of the powerful and well-resourced alcohol industry to promote their products to younger people are recognised as contributing to the substantial harms caused by alcohol consumption globally.<sup>11</sup> A 2017 review confirmed previous review findings of a significant association between exposure to marketing and increased consumption of alcohol or worsening of drinking patterns in young people.<sup>12</sup>

Western Australian research with young people aged 18-25 years found that most participants indicated seeing advertisements promoting alcohol 'often' (38.2%) or 'sometimes' (31.4%). A further 16.7% saw alcohol advertisements 'daily or almost daily'.<sup>13</sup> Alcohol advertisements were most often seen on digital media such as television and streaming services (59.8%), online including on social media (52.0%) and on billboards and other outdoor advertising (38.2%). Findings show that a substantial proportion of young people reported consuming alcohol before or while participating in aquatic activities over the past year. This behaviour was more common among those who more frequently recalled seeing alcohol advertising and engaging with alcohol brands and products on social media.<sup>13</sup>

These findings highlight the role of alcohol industry marketing in normalising alcohol use among young people, and reinforce the need for advocacy and comprehensive marketing restrictions to counteract alcohol industry practices and reduce the risks associated with pervasive alcohol advertising within aquatic environments.

*Please note we have attached a copy of the article referenced above (Carey et al. 2025) with our submission as it is not available via open access.*



### **Key points**

We submit the following key points, which are clearly evidenced in the extensive research and community opinion relating to alcohol, its harmful impacts and the role advertising plays in those harms.

1. The existing Code exposes the community to significant harm, and it fails to provide appropriate community safeguards.
2. The flaws in the Code are unlikely to be improved in any material way by the commercial television industry.
3. Specific weaknesses in the code include: a) the generally permissive approach to alcohol advertising; b) the sports programming exemption; c) limited definitions in the Code mean the full breadth of alcohol promotion is not covered.
4. ACMA should replace the code by making a new program standard to protect the community and include Broadcast Video on Demand (BVOD) services under this standard.

### **Weaknesses in the Code**

The Code has proved to be ineffective in protecting the community from harm and in providing appropriate safeguards.

- One significant weakness is the sports exemption, which permits alcohol advertising from 6pm Friday to midnight Sunday for a broad category of “sports programs”. Weekends and public holidays are times when alcohol harms are more likely to occur.<sup>14</sup>
- The Code’s general restrictions on alcohol advertising (which allow it from 8:30pm-5am every day of the week, and also between 12pm-3pm Monday to Friday on school days) are weak and insufficient for a product that is understood to cause such harm.
- The Code is also undermined because it fails to capture many types of alcohol-related marketing, allowing this content to continue appearing on television at any time. For example, the alcohol advertising rules do not apply to low-alcohol or zero-alcohol products, even though these often use identical branding to full-strength alcohol

Alcohol advertising is harmful to children – exposure makes them more likely to begin drinking at a younger age and drink at harmful levels later in life – yet the Code frequently exposes children to this advertising. Children are also particularly susceptible to alcohol advertising through the medium of sport, and the Code’s sports program exceptions are facilitating this exposure. The objects of the *Broadcasting Services Act* include ensuring that “providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them”, which obligate ACMA to act on this issue.



### **Failure to improve the Code**

There is strong evidence that relying on the existing Code-making process will not adequately safeguard the community. The commercial television industry has made it clear that it relies on advertising revenue and wishes to expand alcohol advertising. This is in conflict with the ACMA's mandate to safeguard the community. Examples include:

- Changes made to the alcohol advertising rules in the Code in its 2015 revision have weakened regulation. For example, the 2015 Code introduced a much wider concept of a sports program that goes beyond a live sports broadcast and extends the "weekend" to include Friday evenings. The result is more alcohol advertising and more harm.
- The latest Code revision put forward by Free TV sought to weaken the regulation of alcohol advertising by proposing changes to the Code that would have allowed a potential 800 additional hours of alcohol advertisements per year – a proposal rejected by ACMA.<sup>15</sup>

Leaving regulation of alcohol advertising to the industry is clearly insufficient. ACMA must make a program standard in the interest of the community and to ensure appropriate safeguards from harm.

### **Lack of regulation for Broadcast Video On Demand (BVOD) in the Free TV Code**

BVOD services, including catch-up and streaming services are not bound by the alcohol advertising rules in the Code, despite the services being operated by the same broadcasters.

This lack of alcohol advertising regulation has resulted in the placement of alcohol advertising during programs aimed at children and young people. To date, the commercial broadcasters have been unwilling to extend the Code to cover their BVOD services, despite ACMA requesting them to do so in public statements in 2024<sup>16</sup> and 2025.<sup>17</sup> There is nothing formally preventing the commercial television broadcasters from extending the Code to BVOD.

This is an environment requiring urgent attention given the growing viewer numbers on digital platforms. ACMA should include BVOD services under a new program standard to ensure the community is appropriately safeguarded from harms caused by alcohol advertising.



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### **Conclusion**

Transferring responsibility for alcohol advertising regulation from the commercial television industry to ACMA will deliver meaningful, measurable benefits for the Western Australian community and for those most at risk of harm. An independent, health-focused regulatory framework will prioritise community safety over commercial interests, resulting in reduced exposure of children and young people to alcohol marketing, particularly during peak viewing times and within sport and digital platforms.

For Royal Life Saving WA and our partners across injury prevention, this change will directly support efforts to reduce alcohol-related drowning and aquatic injuries by addressing one of the upstream drivers of risky behaviour.

We reiterate our call for ACMA to respond to the evidence of harm and to the community concern, and to replace the failing Free TV Code with a strong program standard that puts community health and wellbeing first.

Yours sincerely,

Peter Leaversuch

Chief Executive Officer

Royal Life Saving Society WA

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