

**Foxtel – Post-hearing responses**  
**Inquiry into the Alcoholic Beverages Advertising Prohibition Act 2015**  
**22 December 2017**

**QUESTIONS ON NOTICE**

**Question 1**

**Mr JUSTIN FIELD:** Are there any other restrictions on channels that are not specifically directed to children?

**Mr MEAGHER:** Not in a specific way. The codes provide two things relevantly. The first is that Foxtel will not advertise products or services or use advertising styles that could place children in physical, mental or moral jeopardy. The second is that it must take into account the intellectual and emotional maturity of the intended audience of the channel when scheduling advertising of alcoholic beverages. Those two overarching principles apply.

**Mr JUSTIN FIELD:** *How does that work in practice? Can you give me an example of a channel or show during which you decide you are not going to advertise alcohol because there is a high chance kids will see it?*

**Mr MEAGHER:** I can take that on notice and come back to you with some specific examples. There are clearly channels that are kids channels that will not have any. Then there will be other channels where it may be that in particular programming we would not put alcohol advertising but maybe in another block we would because the audience for that is intended to be older. I can go back and get some specifics on that, if you like.

**Mr JUSTIN FIELD:** It would be useful if you could.

**Answer to question 1**

An example of a channel which is not a specific kids channel e.g. Disney Junior but on which alcohol advertising is not permitted at all due to the intellectual and emotional maturity of its intended audience is the Foxtel Movies Family channel.

An example of a practical scheduling policy used by Foxtel on its owned and operated channels which aims to reduce exposure of alcohol advertising to children (as supported by the ASTRA Codes) is the prohibition of alcohol advertising in any animations, regardless of the channel on which they are aired. This includes The Simpsons, Family Guy, American Dad, King of the Hill and Bobs Burgers (all on FOX8).

**Question 2**

**The Hon. SCOTT FARLOW:** *Referring to the Australian Subscription Television and Radio Association [ASTRA] code, are you aware of any States that have requirements that are different and therefore change the ASTRA code with which you comply?*

**Mr MEAGHER:** I am not aware. I can take that on notice. There might be slight variations in some of the consumer protection type obligations, but I would have to ask the question specifically. Nothing that relates to advertising that I am aware of.

**The Hon. SCOTT FARLOW:** In regard to consumer codes or consumer protection would you take that on notice to establish whether there are any examples of that of which we should be aware when looking at this bill.

## **Answer to question 2**

The ASTRA Codes do not conflict with legislation per se, rather, the ASTRA Codes are an additional form of regulation which operates in conjunction with and complementary to, any applicable legislation. Foxtel is therefore subject to a complex mesh of code, state and commonwealth regulation. The greatest compliance issue which arises for Foxtel is managing conflicting regulation arising out of distinct and separate state legislation which Foxtel then has to implement on a national basis due to the nature of its broadcast feeds (which are national as opposed to state based).

One example of state vs state legislative conflict is in relation to gambling advertising legislation which in addition to the placement guidelines in the ASTRA codes, is regulated on a state-by-state basis, making it extremely difficult for Foxtel to place such ads.