



**Ad Standards**

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Advertising Standards Bureau Limited  
ACN 084 452 666

Australian Competition & Consumer Commission  
Digital Platforms Inquiry

***By email: [platforminquiry@acc.gov.au](mailto:platforminquiry@acc.gov.au)***

15 February 2019

**Submission to the ACCC Digital Platforms Inquiry**

Dear ACCC

Further to our submission to the ACCC Digital Platform Inquiry in April 2018, we are now pleased to provide our submission in response to the ACCC Digital Platforms Inquiry – Preliminary Report dated December 2018 (**ACCC Preliminary Report**).

In particular, we wish to take this opportunity to reiterate that in respect of advertising content, the existing system of self-regulation and complaints handling administered by Ad Standards, is effective in providing a flexible mechanism to meet the challenges of a changing media landscape, and evolving consumer expectations, including in regards to digital platforms.

We have also set out below our comments in response to specific sections of the ACCC Preliminary Report.

***Advertising Standards for Digital Platforms***

We note that at section 4.5.5 of the ACCC Preliminary Report, an overview is provided of advertising regulations in Australia, including the codes adopted by the Australian Association of National Advertisers (**AANA**). Under this section an example is provided on page 139 regarding a situation in July 2018 where Facebook were required to amend or tag its television advertising because it was considered to be “political matter”.

We draw to the Inquiry’s attention that the example provided does not relate to matters within the remit of the advertising self-regulatory system, or that were considered by the Ad Standards Community Panel, which seems to be the inference in the ACCC Preliminary Report.



Rather, as set out in our April 2018 submission, Ad Standards administers a platform neutral model for receiving complaints about advertising content. Therefore, the advertising self-regulatory “rules” which we administer, apply equally to the content of TV and online advertisements.

We acknowledge however that the ACMA have responsibility for the regulation of political and election matter in the broadcast media under the *Broadcasting Services Act 1992* (Cth), and that in this regard different “rules” apply between tv/radio and online platforms.

### ***Regulatory Imbalance***

Section 4.6 of the ACCC Preliminary Report advances that a sector-specific approach to media regulation, including in relation to advertising standards in Australia, has resulted in an imbalance between the regulation imposed on digital platforms and other media businesses.

“Preliminary Recommendation 6” therefore recommends a review of media regulatory frameworks with the view to the implementation of a unified, platform-neutral framework to simplify existing regulations across different media, communications, and telecommunications industries (ref section 4.6.5 of the ACCC Preliminary Report).

In respect of dealing with complaints about the content of advertising, we submit that the current self-regulatory system that we administer is already transparent and accessible to consumers and the industry, and successfully resolves consumer complaints in relation to online advertising. This system has demonstrated its effectiveness during the past 20 years - with a record of nearly 100 per cent (currently 97%) compliance by industry with Ad Standards Community Panel determinations.

Therefore Ad Standards remain best placed to deal with complaints about the content of advertising across all media- platforms, as there is no regulatory imbalance in the application of the AANA codes.

Should the Inquiry wish to consult with Ad Standards about any aspect of this submission we would be pleased to do so.

Kind regards

A handwritten signature in black ink that reads "Fiona Jolly". The signature is written in a cursive, flowing style.

Fiona Jolly  
Chief Executive Officer