



27 March 2008

Mr Elton Humphrey
Committee Secretary
Community Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Humphrey,

RE: Alcohol Toll Reduction Bill 2007

I am writing on behalf of the Management Committee of The ABAC Scheme, which is the regulatory scheme for alcohol advertising in Australia.

We note the proposals outlined in the Bill for regulating advertising.

For the information of the Committee we thought it would be useful to describe the current arrangements, so that Senators may be able to draw their own comparisons between the present and proposed schemes.

To this end we have enclosed a copy of our most recent Annual Report (2006) as Attachment A. This document provides an overview of the structure and processes involved in regulating alcohol advertising.

We are in the process of drafting the Annual Report (2007) based on the calendar year which we anticipate will be released soon. However, we have included some preliminary statistics for 2007 as Attachment B.

During the 2007 calendar year, the Code was amended to insert a new Section (h) so we have included a copy of the current Code as Attachment C.

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Australia's quasi-regulatory ABAC Scheme is administered by a management committee which includes industry, advertising and government representatives. Although the Management Committee is tasked with administering The ABAC Scheme, we make no decisions in regard to advertisements under the Scheme.

Advice on whether a proposed advertisement complies with the standards in the Code is provided by independent pre-vetters who are contracted by companies to do so. You may note from the Annual Report 2006 that 20 percent of proposed advertisements were rejected at this stage in that year. Pre-vetting statistics for 2007 were not available at the time that submissions closed.

The pre-vetting service is currently overseen by Victoria Rubensohn, AM.

If a complaint against an actual advertisement is received, advice on whether the complaint is justified (i.e. should be upheld) is provided by independent adjudicators as part of our independent complaints handling process.

The complaints handling process is overseen by Chief Adjudicator, Professor the Hon Michael Lavarch and he is assisted in his ABAC tasks by an administrator, Ms Jayne Taylor.

Professor Lavarch is currently Professor of Law and Executive Dean of the Faculty of Law at the Queensland University of Technology

The Chief Adjudicator may convene an Adjudication Panel to consider any issues raised by the complaint. Given the workload, all adjudicators are involved in The ABAC Scheme on a part-time basis and maintain careers in fields of related expertise.

An adjudication panel usually consists of three individuals. At least one must always be a person with a public health background, nominated by the Ministerial Council on Drugs Strategy. Presently, this will be either:

- Professor Fran Baum - Faculty of Health Sciences, School of Medicine, Flinders University; or
- Professor Richard Mattick – Director, National Drug and Alcohol Research Centre, UNSW.

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The remaining two adjudicators are Ms Liz Dangar and Ms Jeanne Strachan.

Determinations by the Adjudication Panel from 2004 onwards are published on the ABAC website – www.abac.org.au - along with other relevant materials, e.g. past Annual Reports.

We have supplied two other documents which may be of assistance to the Committee in understanding The ABAC Scheme:

Attachment D: A chart showing the 'ten steps' undertaken in handling a complaint, which was originally published in the ABAC Annual Report 2005; and

Attachment E: A copy of the pre-vetting guidelines which provide some preliminary guidance to ad agency staff and their company clients which were endorsed by the Management Committee in December 2007.

In summary

Whilst some members of the Management Committee may have comments of the proposed alternative scheme within the Bill, we have decided that these can be handled in the submissions of those respective organisations.

The purpose of this submission, on behalf of the Management Committee of The ABAC Scheme, is simply to provide sufficient materials to assist Senators to form a high-level understanding of the current scheme.

We are delighted to inform Senators that the Chief Adjudicator and Ms Rubensohn are willing to appear before the Committee to answer any questions you may have on the pre-vetting and complaints handling processes or the workings of the Adjudication Panel.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gordon J. Broderick', with a horizontal line underneath.

Gordon J. Broderick
Chair of the Management Committee
The ABAC Scheme

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