

SBS submission to AANA Code of Ethics Review



SBS SUBMISSION TO AANA CODE OF ETHICS REVIEW PUBLIC REVIEW CONSULTATION: DISCUSSION PAPER (October 2025)

INTRODUCTION

- The Special Broadcasting Service (SBS) welcomes the opportunity to provide comment on the AANA Code of Ethics, Public Review Consultation, Discussion Paper.
- SBS operates under the *Special Broadcasting Service Act 1991* (SBS Act) which enshrines SBS independence in operational and editorial matters and sets out the Charter of the SBS, "to provide multilingual and multicultural broadcasting and digital media services that inform, educate and entertain all Australians, and, in doing so, reflect Australia's multicultural society."¹
- SBS began in 1975 as SBS Radio and has evolved over 50 years to become an innovative, multiplatform media network with a free-to-air TV portfolio spanning six distinctive channels;² an extensive SBS Audio ecosystem with a mix of traditional radio, digital live streams, catch up and podcasts providing content in over 60 languages; and an innovative digital offering, including SBS On Demand. SBS's network reaches all Australians across every state and territory.
- The SBS Act requires the SBS Board to develop codes of practice relating to programming matters and provides for the SBS Board to develop guidelines on matters relating to advertising on its broadcasting and digital media services.³
- SBS supports the Australian Association of National Advertisers Code of Ethics (AANA Code) as the overarching set of self-regulatory principles for advertising and marketing communications in Australia. SBS is a member of the AANA.
- SBS requires all advertisements and sponsorship announcements broadcast or published on its services to comply with relevant laws and other regulatory requirements, including industry codes of practice such as the AANA Code.⁴

SBS CODE OF PRACTICE

- The SBS Code of Practice (SBS Code) sets out the principles and policies SBS uses to guide its content to ensure that SBS maintains the highest standards of editorial independence and integrity. It covers matters such as harm and offence, accuracy, prejudice, racism and discrimination, and the process for audience feedback, comments and complaints.
- Section 2.1 of the SBS Code states that the 'Code applies to content that is produced, commissioned, acquired or otherwise obtained by SBS for broadcast or publication on its platforms over which SBS has editorial control. This includes:
 - Audio and video content, and written material, including television and radio programs, online articles, podcasts, apps and social media posts
 - Program-related material such as program, channel and network promotions.
- The SBS Code applies to SBS platforms, which include:
 - SBS television broadcasting services

¹ Section 6, SBS Act 1991..

² SBS, NITV, SBS VICELAND, SBS Food, SBS World Movies and SBS WorldWatch..

³ Sections 6, 45, 45A, SBS Act 1991..

⁴ Section 4.6, SBS Commercial, Funding and External Relationships Guidelines.

- SBS radio broadcasting services
- SBS digital media services including on demand, live streaming services and FAST channels on SBS On Demand, SBS Audio services, podcasts, and the SBS website
- SBS branded and managed accounts and services on third party platforms including social media platforms, content sharing platforms and digital content aggregation platforms.

AANA CODE DEFINITION OF 'ADVERTISING'

- The definition of 'Advertising' in the AANA Code of Ethics (AANA Code) excludes certain matter including, in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel, station or network.
- Further qualification of this exclusion is currently provided by way of the AANA Code of Ethics Practice Note (the AANA Practice Note) which states that: "The Code does not apply to: ... promotions for a broadcaster's programs aired on that network (television or radio)."⁵
- SBS recommends that the definition of 'Advertising' be amended to broaden the exclusion to:
 - Apply to material which promotes the products, services or activities of that same channel, station or network;
 - Apply to 'broadcasting and digital media services' and cover material to be 'broadcast or published' (or, in the alternative, define 'broadcast' to include publication on digital media services) to ensure the Code is platform neutral, future-proofed and captures the full range of services offered by traditional broadcasting networks;
 - Apply consistently across the SBS network;
 - Apply to all promotional material under the reasonable control of the advertiser, whether or not a payment or other valuable consideration has been involved, including on third party platforms.

Material which 'promotes the products, services or activities of that same channel, station or network' should also be excluded

- The SBS Act exempts certain SBS promotional material from counting towards SBS's commercial airtime, including "material that publicises programs to be broadcast by the SBS"⁶ and "material that promotes SBS's products, services or activities ..."⁷ It is clear from this provision that SBS's television, radio and digital media services are to be treated as the one network, and that material that promotes SBS's own products services and activities should receive the same exemption as material that publicises programs to be broadcast by SBS.
- The AANA Code excludes program promotions from the definition of advertising (i.e. material which promotes a program or programs to be broadcast" by SBS).
- SBS submits that the exclusion should be broadened to also cover material that promotes SBS's products, services or activities, to capture the broader range of material that SBS, as a public service broadcaster, uses to publicise its services in meeting its Charter and public service obligations.
- The SBS Code of Practice otherwise applies to all SBS content, including own station promotions.

'Network' should include 'digital media services' for the purposes of the exclusion

⁵ AANA Practice Note.

⁶ Subsection 45(3)(a), SBS Act 1991.

⁷ Subsection 45(3)(b), SBS Act 1991.

- SBS considers that the wording in the AANA Practice Note clause reflects a narrow and outdated interpretation of a broadcaster's 'network'. In particular, it does not accord with the range of SBS services as set out in the SBS Act which provides for SBS to deliver radio, television and digital media services.
- The SBS network consists of all of SBS's television and radio channels and digital media services, which are each branded and clearly identified as SBS services and which are subject to the SBS Code of Practice and the SBS Commercial, Funding and External Relationships Guidelines. SBS's digital media services include the SBS website, the SBS On Demand service (a 'Broadcast Video On Demand' service), the SBS News app and the SBS Audio app.
- The wording of the current exemption in the AANA Code means that a program promotion on a free-to-air television broadcast service (such as the SBS main channel) will clearly be exempt, whereas that same program promotion on a broadcast video on demand service (such as SBS On Demand) will not be exempt. This approach does not accord with the technology neutral approach that is otherwise taken in the AANA Code.
- SBS recommends that the definition of Advertising in the Code of Ethics be amended to reflect the multiplatform nature of broadcasting services. It should apply to "broadcast and digital media services" and cover material to be "broadcast or published" by SBS, or in the alternative define "broadcast" to include publication on digital media services, to ensure it is future-proofed and captures the full range of services offered by the traditional broadcasting networks.
- In the event the AANA considers that the exclusion should apply only where the promotional material is otherwise subject to a relevant Code of Practice that provides an avenue for complaints, the definition could make such qualification. The SBS Code of Practice provides for SBS to respond to complaints about SBS services.⁸

The exclusion should be extended to branded social media accounts and services of the channel, station or network over which the channel, station or network has a reasonable degree of control

- The AANA Code applies to any advertising, marketing communication or material which is published or broadcast using any Medium, over which the advertiser or marketer has a reasonable degree of control. This means SBS is responsible for material which is posted to SBS-managed and branded social media accounts and SBS apps, for the purposes of adherence to the AANA Code of Ethics.
- By the same logic, the exclusion should be extended to apply to SBS-managed and branded social media accounts, or other platforms that SBS manages that are not covered by the current reference to "channel, station or network" such as SBS apps and SBS channels on YouTube.
- SBS recommends that the exemption in the AANA Code for own-station promotions and program promotions should extend to social media accounts and apps and content sharing platforms hosted by third parties, over which the broadcaster or channel/station/network has a reasonable degree of control.
- SBS is not suggesting that any SBS paid influencer or advertorial content be exempted from the AANA Code – only own promotions or program promotions posted to our SBS-branded and managed platforms.

⁸ Code 6, SBS Code of Practice.

Recommendation: The AANA Code of Ethics and associated Practice Note should be amended to be technology neutral and reflect modern multiplatform media networks as follows:

1. Extend the exclusion to cover material that promotes the channel, station or network's own products, services or activities
2. Extend the exclusion to cover 'digital media services' in the concept of "network"
3. Extend the exclusion to cover 'publishing' as part of the concept of 'broadcast or publish'
4. Extend the exclusion to branded social media accounts, apps and content sharing platforms (hosted by third parties) over which the broadcaster or channel/station/network has a reasonable degree of control.

Indicative drafting:

	Current	Proposed
AANA Code of Ethics	<p>Advertising... does not include:</p> <p>"in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel, station or network"</p>	<p>Advertising... does not include:</p> <p>Option 1:</p> <p>"in the case of broadcast media and digital media, any material which promotes the products, services or activities of a channel or station or network, or a program or programs to be broadcast or published on that same channel, station or network, including social media accounts and apps and content sharing platforms over which the channel, station or network has a reasonable degree of control.</p> <p>OR</p> <p>Option 2:</p> <p>"in the case of broadcast media and digital media, any material which:</p> <ul style="list-style-type: none"> • promotes the products, services or activities of a channel or station or network; or • promotes a program or programs to be broadcast or published on that same channel, station or network; and • is subject to professional editorial standards, including a mechanism for complaints.
AANA Practice Note	<p>"The Code does not apply to: ... promotions for a broadcaster's programs aired on that network (television or radio)</p>	<p>The Code does not apply to promotions for a broadcaster's services communicated on that network (television, or radio or digital media services, including social media accounts and apps and content sharing platforms over which the channel, station or network has a reasonable degree of control.)</p>