

SUBMISSION BY  
FREE TV AUSTRALIA

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# Parliamentary Inquiry into the 2025 Federal Election

Joint Standing Committee on  
Electoral Matters

free tv

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# 1. Executive Summary

## 1.1 Election blackout rules must be abolished

- The election advertising blackout—which prohibits commercial television broadcasters from airing political advertising in the final three days before polling day—is a relic of the 1980s that is wholly out of step with today’s converged media landscape.
- The blackout applies exclusively to licensed broadcasters (commercial television and radio, community and subscription broadcasting) and SBS. It does not apply to online platforms, social media, newspapers or out-of-home advertising. This is a profound regulatory imbalance.
- The surge in pre-poll voting—37.5 per cent in 2025, up from 29.1 per cent in 2019—increasingly undermines the blackout’s ‘cooling off’ rationale.
- During the blackout period, political advertising spending simply transfers to unregulated digital platforms, harming Australian broadcasters commercially while doing nothing to restrict voters’ access to political content. This is anti-competitive.
- This Committee’s recommendation following the 2022 election acknowledged the redundancy of the election blackout rules. Successive prior inquiries had identified the issue.
- The blackout no longer serves its original purpose. It only penalises the most accountable and regulated media providers in the country. It should be removed without further conditions.

## 1.2 The role of commercial television news in our democracy

- Robust and independent public interest journalism informs and educates citizens and holds power to account. It is essential to democracy, especially in the lead up to elections.
- Free-to-air television remains the most common main source of news for Australian adults, providing trusted, professionally produced, locally accountable journalism that social media and digital platforms do not replicate.
- Commercial television broadcasters reach 11.4 million Australians with trusted news every week, broadcasting 390 local news bulletins weekly across metropolitan, regional and remote Australia.
- Free TV members spend more than \$400 million a year producing news and current affairs—an investment that is central to an informed democracy and local civic participation.

## 1.3 Measures to support news sustainability

- Free, universally available and accountable news and current affairs programs that audiences can trust are more important now than ever.
- As Governments around the world grapple with ways to counter mis- and disinformation, address the risks of deep fakes, and deal with how to increase news and media literacy, they must also look at ways to ensure accountable news services remain sustainable.
- The News Bargaining Incentive (**NBI**) should be legislated as soon as possible to ensure global technology companies pay for Australian journalism that delivers value to their platforms.
- A news production offset—modelled on the Producer Offset for drama and documentary programming—should be introduced to provide broadcasters with a rebate on eligible expenditure, recognising that trusted news is a public good underpinning Australian democracy.

## Recommendations

- Abolish redundant election black out rules.
- Expedite consideration of the News Bargaining Incentive to support fair payment by big tech for the use of trusted Australian news.
- Introduce a rebate for eligible expenditure to incentivise the production of news and current affairs content via a news production offset.

## 2. Introduction

Free TV Australia welcomes the opportunity to submit to the Joint Standing Committee on Electoral Matters' (**JSCEM**) Inquiry into the 2025 federal election (the **Inquiry**). Free TV Australia is the peak industry body for Australia's commercial television broadcasters. Information about Free TV and its members is at **Attachment A**.

The Inquiry is examining all aspects of the conduct of the 2025 federal election and related matters. However, this submission focuses on two matters in particular:

- **Section 3** – deals with outdated election blackout rules and Free TV's recommendation for their removal.
- **Section 4** – outlines how trusted news and current affairs programming provided by commercial television broadcasters supports civic participation, and Australia's democracy, and recommends policy measures to sustain it.

While this submission does not deal with the suitability of the current authorisation framework and requirements, Free TV notes that its members and their advertising clients take these rules very seriously.

Compliance with election related advertising rules is strongly supported by Free TV's ClearAds service, which provides trusted advice on compliance with the authorisation framework to advertisers and media companies.<sup>1</sup>

## 3. A strong case for abolishing election blackout rules

### Recommendation

- Abolish redundant election black out rules.

### 3.1 A 1980s regulation in a 2025 media landscape

Section 3A of Schedule 2 of the *Broadcasting Services Act 1992* (**BSA**) prohibits licensed broadcasters—including of commercial television, commercial radio, community broadcasting and subscription television—from broadcasting election advertisements during the period commencing at midnight on the Wednesday before polling day and ending at the close of polling on Federal Election day. The rules also apply to SBS. These rules were enacted before widespread internet access became available in Australia.<sup>2</sup>

The blackout does not apply to newspapers, out-of-home advertising, or any form of online media, including streaming services and social media advertising. This means that as soon as the blackout commences, political parties simply transfer their advertising spend from television to platforms and media to which the blackout does not apply.

<sup>1</sup> More information is at <https://clearads.com.au/>.

<sup>2</sup> The *Broadcasting and Television Amendment (Election Blackout) Act 1983* introduced the blackout into Australian law. The rule was then carried over and re-enacted in the *Broadcasting Services Act 1992* when that Act consolidated broadcasting regulation.

The Australia Institute found that \$12.5 million was spent running more than 26,000 political advertisements on Facebook and Instagram alone in the two months leading up to the 2022 federal election.<sup>3</sup> By contrast, in 2025:

- *The Guardian*, using data from Populares Ad Tracker, reported parties and affiliated groups spent more than \$39 million on political advertising across Facebook, YouTube and Google search in the five weeks before the Election (28 March–2 May 2025), noting digital advertising would continue through polling day.<sup>4</sup>
- Over the longer six-month period leading up to the Election, the *Australian Financial Review*, also using Populares Ad Tracker, reported that Australian groups spent \$75.9 million on political advertising with Google and Meta.<sup>5</sup>

While it is acknowledged that much of this spend occurred before the election blackout period, it stands to reason that online advertising on these platforms, and in other media not subject to the blackout, would intensify during the blackout period as voters get closer to making their decision.

As regulated broadcasters are forced to go dark during the most crucial days of a campaign, advertising dollars flow to global online platforms that face no equivalent obligations. This harms Australian media businesses who, in the case of Free TV's members, spend \$1.625 billion a year on Australian content funded by advertising, with \$400 million a year of that investment on trusted news and current affairs alone.<sup>6</sup>

The regulatory imbalance created by the blackout has a direct commercial impact, which only becomes more pronounced as this online election advertising spend increases from one election to the next.

The competitive harm caused by this regulatory imbalance has been recognised by Australia's own competition regulator. Giving evidence to the JSCEM Inquiry into the 2019 Federal Election, then ACCC Chair Rod Sims said:

*In essence, digital platforms don't face any regulation, whereas media businesses do. The best example of that is TV and radio going into blackout prior to any election. The digital platforms can still take ads, including on their YouTube channels and things of that ilk, and that's quite a profitable time for them.*

He added that 'it does seem anomalous that a TV company can't show ads on the same basis that, say, Google could take for YouTube'.<sup>7</sup>

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<sup>3</sup> Prachi Arya, 'Political advertising on social media platforms during the 2022 federal election', The Australia Institute, June 2022 – available at <https://australiainstitute.org.au/post/12-5m-spent-on-social-media-election-ads-misinformation-widespread-research-exit-poll/>.

<sup>4</sup> Sarah Basford Canales and Josh Taylor, 'Labor far outspends Coalition and Clive Palmer on Google and Meta ads amid calls for change to blackout laws', *The Guardian*, 2 May 2025 – available at <https://www.theguardian.com/australia-news/2025/may/02/election-labor-outspends-coalition-clive-palmer-google-meta-ads-blackout-laws>.

<sup>5</sup> Sam Buckingham-Jones, 'Pollies talked tough on tech – then splurged \$76m on YouTube, Meta', *The Australian Financial Review*, 9 June 2025 – available at <https://www.afr.com/companies/media-and-marketing/tough-on-big-tech-pollies-hand-youtube-meta-76m-in-campaign-ads-20250708-p5mdfc>.

<sup>6</sup> ACMA, *TV in Australia: Spending on Commercial TV Programs for 2023-24* May 2025 – available at <https://www.acma.gov.au/commercial-tv-program-expenditure>.

<sup>7</sup> Mr Rod Sims, Chair, Australian Competition and Consumer Commission, evidence to the Joint Standing Committee on Electoral Matters, *Inquiry into the conduct of the 2019 federal election*, Transcript, 7 September 2020, paragraphs 5.34–5.35 – available at [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Electoral\\_Matters/2019FederalElection/Report/section?id=committees%2Freportjint%2F024439%2F73870](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2019FederalElection/Report/section?id=committees%2Freportjint%2F024439%2F73870).

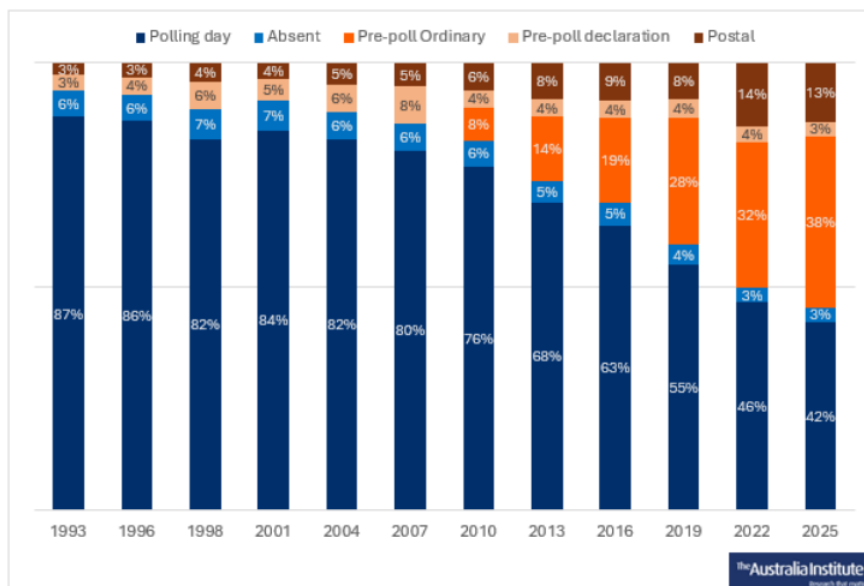
### 3.2 Pre-poll voting is making the 'cooling off' rationale obsolete

The rationale for the election blackout was to provide a ‘cooling off’ period prior to polling day. That rationale is being rendered increasingly obsolete by the dramatic rise in pre-poll voting.

According to the Australia Institute, in 2025 only 45 per cent of Australians voted on election day, a record low.<sup>8</sup> Antony Green’s Election Blog reported that pre-poll votes alone grew to 37.5 per cent of enrolment in 2025, up from 29.1 per cent at the 2019 Federal Election as follows:<sup>9</sup>

- **2025:** 6,778,467 pre-poll votes were cast as of polling day, representing 37.5 per cent of enrolment.
- **2022:** 5,541,757 pre-poll votes representing 32.2 per cent of enrolment
- **2019:** 4,778,856 pre-poll votes representing 29.1 per cent of enrolment

This graph, compiled by the Australia Institute, shows the increase of postal votes as well as pre-poll votes over time:<sup>10</sup>



(Sources: Antony Green for 1993-2019, AEC for 2022 and 2025; Note: 2025 figures are not final)

Where a voter casts their ballot more than three days before polling day, the blackout is entirely irrelevant to them—they will already have voted, in many cases after sustained exposure to political advertising across platforms throughout the campaign period.

There is no ‘cooling off’ period in any meaningful sense: voters have uninterrupted access throughout the campaign to political advertising on social media, online news, streaming services, out-of-home billboards and direct messaging from political parties. The blackout addresses only one class of channels while leaving all others unregulated.

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<sup>8</sup> Skye Predavec, ‘The rise of early voting in Australian elections’, The Australia Institute, 23 May 2025 – available at <https://australiainstitute.org.au/post/the-rise-of-early-voting-in-australian-elections/>.

<sup>9</sup> Antony Green’s Election Blog, FED2025- Tracking the Early Vote, sourced from AEC data, updated 3 May 2025 – available at <https://antonygreen.com.au/fed2025-tracking-the-early-vote/>.

<sup>10</sup> Available at <https://australiainstitute.org.au/post/the-rise-of-early-voting-in-australian-elections/>.

### 3.3 Applying blackout laws to digital services would not achieve the objective

An alternative sometimes proposed is to extend blackout regulation to other platforms. Free TV does not support this approach for the following reasons:

- Even with an advertising blackout across all platforms, voters would retain free and unfettered access to extensive political content online—including the social media posts and videos of candidates and parties; news coverage of speeches and announcements; and political text messages sent directly to voters.
- A genuine ‘cooling off’ period cannot be achieved through advertising regulation alone.

### 3.4 The case for immediate removal of blackout provisions

Free TV recommends that clause 3A of Schedule 2 of the BSA, and the definition of ‘relevant period’ from clause 1 of Schedule 2, be repealed.

Successive JSCEM inquiries have identified the broadcast election blackout as out of step with the modern media environment, beginning with the Committee’s 2015 report on the 2013 federal election and reaffirmed in every subsequent JSCEM election review. In particular:

- The JSCEM report on the 2019 Federal Election recommended that ‘the media blackout, known as the relevant period in the BSA be reviewed with a view that the restrictions on commercial radio and television broadcasters be removed’.<sup>11</sup>
- The JSCEM report on the 2022 Federal Election (Recommendation 15) recommended the blackout be removed contingent on the introduction of truth in political advertising laws.<sup>12</sup>

In 2024, the Government introduced the Electoral Legislation Amendment (Electoral Communications) Bill 2024 which, among other things, proposed removing the blackout provisions from the BSA as well as introducing measures to deal with inaccurate and misleading electoral and referendum matter.<sup>13</sup>

That Bill did not pass before the 2025 election, leaving the blackout in place despite the Government's clear intent to abolish it.

For the avoidance of doubt, Free TV would not support removal of the blackout being made contingent on the introduction any type of truth in political advertising laws that impose compliance risk on broadcasters. The two questions are distinct.

The blackout is a platform-specific advertising restriction that is demonstrably ineffective and anti-competitive. It should be removed on its own merits. Any separate framework to deal with the accuracy of electoral matter, should one be introduced, must include an explicit exemption for broadcasters.

<sup>11</sup> Joint Standing Committee on Electoral Matters, *Report on the conduct of the 2019 federal election and matters related thereto*, Parliament of Australia, December 2020, Recommendation 13, paragraph 5.50 – available at: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Electoral\\_Matters/2019Federalelection/Report/section?id=committees%2Freportjnt%2F024439%2F73870](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2019Federalelection/Report/section?id=committees%2Freportjnt%2F024439%2F73870).

<sup>12</sup> Joint Standing Committee on Electoral Matters, *Conduct of the 2022 federal election and other matters — Final Report*, Parliament of Australia, November 2023, Recommendation 15 — available at: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Electoral\\_Matters/2022federalelection](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2022federalelection).

<sup>13</sup> The Bill proposed to: remove the media blackout from the *Broadcasting Services Act 1992* and the *Special Broadcasting Service Act 1991*; prohibit misleading electoral advertising, including AI-generated deepfakes; require digitally created or modified electoral content to carry a disclosure statement; and establish an Electoral Communications Panel within the AEC to investigate breaches. It is available at [https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r7279](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7279).

Broadcasters are not in a position to independently assess the veracity of political claims, and compliance liability must rest with the authorising party—not with the broadcaster or other party that transmits or displays the advertisement.

## 4. Trusted news, civic participation and sustainability

### Recommendations

- Expedite consideration of the News Bargaining Incentive to support fair payment by big tech for the use of trusted Australian news.
- Introduce a rebate for eligible expenditure to incentivise the production of news and current affairs content via a news production offset

### 4.1 Commercial television – the cornerstone of Australia’s news landscape

According to the Australian Communications and Media Authority, free-to-air television is the most common main source of news, used by a quarter (26 per cent) of all Australian adults.<sup>14</sup> More broadly, a 2024 report for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts found that commercial free-to-air TV was the most commonly reported source of news (58 per cent).<sup>15</sup>

Free TV broadcasters deliver trusted, professionally produced, locally accountable journalism to 11.4 million Australians every week,<sup>16</sup> broadcasting 390 local news bulletins weekly across metropolitan, regional and remote Australia.

Broadcasters operate under strong rules in place under the Commercial Television Industry Code of Practice (the **Commercial TV Code**), which is registered and enforced by the Australian Communications and Media Authority under the BSA.<sup>17</sup> In relation to news, for example, the Commercial TV Code includes requirements relating to accuracy and fairness, impartiality and privacy.

News and current affairs programming created by Free TV members connects citizens with the events that shape their lives, holds government and institutions to account, and supports informed civic participation. Free TV broadcasters spent \$408 million on news and current affairs in 2024, including \$35.2 million in regional Australia, and this investment underpins the health of Australia’s democracy.<sup>18</sup>

<sup>14</sup> Australian Communications and Media Authority, *Communications and Media in Australia: How we access news*, February 2024, page 3 — available at <https://www.acma.gov.au/sites/default/files/2024-02/How%20we%20access%20news%20-%20Executive%20summary%20and%20key%20findings.pdf>.

<sup>15</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *Television and Media Survey 2023 — Summary Report*, Social Research Centre, April 2024, page 75 — available at <https://www.infrastructure.gov.au/sites/default/files/documents/the-2023-television-and-media-survey-summary-report-april2024-pdf.pdf>.

<sup>16</sup> VOZ Total TV, Seven, Nine, Ten, When Watched Cumulative Reach, July 2025. Average full week reach, July 2025.

<sup>17</sup> Available at <https://www.freetv.com.au/resources/code-of-practice/>.

<sup>18</sup> ACMA, *TV in Australia: Spending on Commercial TV Programs*, May 2025 — available at <https://www.acma.gov.au/commercial-tv-program-expenditure>.

## 4.2 The information environment is under threat – and so is democracy

The Government’s 2024 News Media Assistance Program Consultation Paper (**News MAP Paper**) appropriately recognises the benefits of public interest journalism. This includes informed democratic participation, informed public administration and policy, and scrutinising and publicising the actions of both public and private institutions to build trust and accountability.

As noted in the News MAP Paper, the ‘watchdog’ function of journalism contributes to:

*greater trust in democracy and public institutions where citizens develop a clearer understanding of the decisions and actions taken by their representatives and institutions, and where they perceive there to be consequences for wrongdoing.<sup>19</sup>*

A new Grattan Institute report, *For the People: Future-proofing Australia’s Democracy (The Grattan Report)*, reinforces that sustaining quality news media and investing in trusted information institutions are key to protecting Australian democracy. It identifies the public information environment as a major vulnerability, noting:

*A strong media ecosystem is essential as a trustworthy source of information for citizens, while also informing policy makers about the views of the electorate and problems facing society. High-quality journalism provides the transparency citizens need to hold their governments to account, acting as a bulwark against corruption and political malpractice.<sup>20</sup>*

The Grattan Report warns that the decline of traditional news media—accelerated by the dominance of global online platforms—and the rise of social media as an information source is fragmenting Australia’s information environment. Three in five Australians reported encountering political misinformation in the two weeks before the 2025 Federal Election.<sup>21</sup> Experts have ranked misinformation the second-highest short-term global risk for 2026.<sup>22</sup>

## 4.3 Measures to support news sustainability

Despite the vital public role played by commercial television news, the financial sustainability of news services is under severe pressure. Advertising revenue for commercial television has fallen from \$3.7 billion in 2016 to \$3.2 billion in 2024, while news production costs have risen.<sup>23</sup> The withdrawal of Meta from news media deals—made in the context of the News Media Bargaining Code—in March 2024

<sup>19</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, *News Media Assistance Program Consultation Paper*, December 2023, page 9 — available at <https://www.infrastructure.gov.au/sites/default/files/documents/news-media-assistance-program-consultation-paper-december2023.pdf>.

<sup>20</sup> Grattan Institute, *For the People: Future-proofing Australia’s Democracy*, 2026, page 25 – available at <https://grattan.edu.au/report/for-the-people/>.

<sup>21</sup> McGuinness, K., Park, S., Lee, J.Y., Lukamto, W., Fisher, C., Fulton, J., Haw, A., and Holland, K., *Unpacking election misinformation: Australians’ experiences of news and information about the 2025 federal election*, News & Media Research Centre, University of Canberra, 2025 — available at <https://www.canberra.edu.au/research/centres/nmrc/Unpacking-election-misinformation>, as cited in Grattan Institute, *For the People: Future-proofing Australia’s Democracy*, 2026, footnote 137.

<sup>22</sup> World Economic Forum, *Global Risks Report 2026*, 2026 – as cited in Grattan Institute, *For the People: Future-proofing Australia’s Democracy*, 2026, footnote 138. Note: the Grattan Report records that responses were collected from more than 1,300 experts in late 2025 and ranked by perceived severity, with geoeconomic confrontation ranked first.

<sup>23</sup> Industry data audited by KPMG. For more detail see Free TV’s *Pre-Budget Submission 2026–27*, March 2026 – available at <https://www.freetv.com.au/wp-content/uploads/2026/03/Free-TV-Pre-Budget-Submission-2026-27.pdf>.

removed over \$70 million per annum from the broader news industry. Google deals with commercial broadcasters are due to expire in mid-2026.

Free TV recommends a range of measures to support the sustainability of news services, including removal of a bespoke tax that applies just to commercial broadcasters.<sup>24</sup> However, two measures specific to news are:

- **Expedite the News Bargaining Incentive:** The NBI, which is designed to complement the News Media Bargaining Code, must be legislated as soon as possible to ensure commercial deals with digital platforms can be concluded before Google agreements expire. The delay in implementing the NBI—nearly two years after Meta walked away from deals—has created exceptional financial pressure on news publishers.
- **Introduce a News Production Offset:** A rebate on eligible news expenditure—modelled on the Producer Offset for dramas and documentaries—should be introduced to support the production of trusted news and current affairs. This recognises that news is a public good that underpins Australia’s democratic system.

Detailed analysis of these and other sustainability measures is provided in Free TV Australia’s Pre-Budget Submission 2026–27.<sup>25</sup>

## 5. Conclusion

Free TV Australia’s members invest more than \$400 million a year in trusted news and current affairs that informs citizens, holds power to account and supports the democratic process. Free-to-air television remains the most common main source of news for Australian adults—a role that is most critical at election time. Yet the regulatory framework continues to penalise licensed broadcasters in relation to advertising revenue in the last three days before an election while leaving online platforms unencumbered.

Free TV respectfully urges the Committee to recommend that the election blackout provisions be removed from the BSA without further conditions, and that the Government act urgently to sustain commercial broadcasters who fund the trusted journalism that Australian democracy depends upon.

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<sup>24</sup> The Commercial Broadcasting Tax, which costs broadcasters nearly \$50 million a year. More information about the tax is in Free TV Australia’s *Pre-Budget Submission 2026–27* – available at <https://www.freetv.com.au/wp-content/uploads/2026/03/Free-TV-Pre-Budget-Submission-2026-27.pdf>.

<sup>25</sup> Free TV Australia, *Pre-Budget Submission 2026–27*, March 2026 – available at <https://www.freetv.com.au/wp-content/uploads/2026/03/Free-TV-Pre-Budget-Submission-2026-27.pdf>.

## 6. Attachment A

### About Free TV

Free TV Australia is the peak industry body for Australia's commercial television broadcasters. We advance the interests of our members in national policy debates, position the industry for the future in technology and innovation and highlight the important contribution commercial FTA television makes to Australia's culture and economy. We proudly represent all of Australia's commercial free-to-air television broadcasters in metropolitan, regional and remote licence areas.



Free TV brings Australians together, supporting Australian culture and democracy. The commercial television industry creates these benefits by delivering content across a wide range of genres, including news and current affairs, sport, entertainment, lifestyle and Australian drama. At no cost to the public, our members provide a wide array of channels across a range of genres, as well as rich online and mobile offerings.

#### Commercial television networks:

- Reach 19.3 million Australians every week, including 11.4 million who watch trusted news every week, and 9.5 million who watch live and free sport each week
- Provide 25,285 hours of Australian content a year
- Spend more than \$1.625 billion on Australian content every year, dedicating over 88% of their content expenditure to local programming
- Spend more than \$400 million a year on trusted news, including on 390 local news bulletins every week across the country (plus updates and community service announcements)

A report released in September 2022 by Deloitte Access Economics, *Everybody Gets It: Revaluating the economic and social benefits of commercial television in Australia*, highlighted that in 2021, the commercial TV industry supported over 16,000 full-time equivalent jobs and contributed a total of \$2.5 billion into the local economy. Further, advertising on commercial TV contributed \$161 billion in brand value. Commercial television reaches an audience of 16 million Australians in an average week, with viewers watching around 3 hours per day.

The commercial television industry creates these benefits by delivering content across a wide range of genres, including news and current affairs, sport, entertainment, lifestyle and Australian drama. At no cost to the public, our members provide a wide array of channels across a range of genres, as well as rich online and mobile offerings.

A strong commercial broadcasting industry delivers important public policy outcomes for all Australians and is key to a healthy local production ecosystem. This in turn sustains Australian storytelling and local voices and is critical to maintaining and developing our national identity.