

Here's a quick update of what has shifted recently, where to pay attention and what this means in practice.

1. Wagering Advertising Reform

Next Steps

- The *Interactive Gambling Amendment (Gambling Reform) Bill 2026* was referred to the Environment and Communications Legislation Committee for inquiry and report on 2 July 2026.
- IAB will discuss a submission with its policy members.
- Submissions to the inquiry into the Bill close on **24 July 2026**.
- Committee to report by **17 August 2026**.

Background

- The Prime Minister announced changes to current wagering advertising restrictions on 2 April. The official Government response was tabled in Parliament on 12 May.
- An Exposure Draft was circulated on 29 May 2026 for consultation. IAB Australia made a submission.
- The current Bill was introduced in Parliament on 2 July 2026 and was sent to the Environment and Communications Legislation Committee for inquiry and report.

Key Proposals (in Exposure Draft and the new Bill)

- **Banning gambling ads through online platforms**, unless people have a logged-in account, are over 18 and have the option to opt-out of gambling ads.
- **Banning the use of celebrities and sports players** in gambling promotion, along with odds-style ads.
- **Restricting gambling ads on broadcast television** to no more than three ads each hour between 6am and 8.30pm, with a complete ban during live sport broadcasts within those hours.
- **Banning gambling ads on the radio** during school drop-off and pick-up times (8am–9am and 3pm–4pm).

What's new in the Bill?

- The current Bill has a number of additional elements, which were not in the Exposure Draft:
 - **new due diligence exceptions** where conduct is the result of a genuine error, mistake or accident or where a person took reasonable precautions and exercised due diligence.
 - **new anti-avoidance provisions** (section 4 of the Bill and new section 62ZE IGA).
 - **new ACMA information gathering powers** (new sections 22A – 22B IGA). If the ACMA has reason to believe that a person has information relevant to monitoring compliance with the IGA or the performance of ACMA's functions, the ACMA may require the person to give the information or documents to the ACMA.
 - **additional privacy provisions and consequential amendments to the Privacy Act 1988** (new section 62U IGA and section 46 of the Bill). The Privacy Commissioner will be able to conduct an assessment of the entity to monitor whether PI is being maintained and handled in accordance with the IGA.
 - **expansion of advertisers' liability for promotions by notable people** (s62W(2)). New prohibition against a wagering service provider authorising/causing wagering advertising featuring a notable person to be broadcast or included in an online content service.

2. OAIC Pixels Decisions

Background

- In June 2026 the OAIC made determinations that Medmate (an online pharmacy and telehealth service) and Monash IVF interfered with patient privacy by using third-party tracking pixels to collect sensitive health information and disclose it to advertising platforms without consent.
- Both providers were ordered to stop the non-compliant collection, destroy or de-identify the affected data where lawful, and put valid consent and notice in place before resuming.
- **The decisions are about sensitive information but the implications go much further.** A more detailed briefing on the practical implications is [here](#).

What did the OAIC say?

- The OAIC will treat as PI any data that enables a business to 'single out' or distinguish an individual from others in a way that affects their rights and interests, even when the business cannot identify that individual.
- The OAIC decided that using pixels to re-target ads to an individual on another platform, based on their website behaviour, was enough to meet this threshold, even when the business doing the re-targeting has no idea who the person is in the physical world.
- The OAIC made it clear that the website operator who deploys the pixel ultimately bears responsibility for 'collecting' personal information through pixel tracking technologies (even when the data is stored only by the pixel provider).

Key findings

- (i) **Data collected through a tracking pixel will typically be 'personal information' – 'singling out' is enough and identity is not required**

What this means practically. If your website or app uses pixels to track individuals' online behaviour, you may be 'collecting' personal information under the Privacy Act. Businesses should assess whether the information they hold 'reasonably identifies' an individual by looking at the inferences which they make using such information and how those inferences impact the individual (as well as looking at well established factors, such as identification).

- (ii) **New technologies are expressly caught**

What this means practically. Technical identifiers, behavioural signals, device fingerprints, hashed emails and social media handles used for targeting are all now within the definition of personal information where they enable individuation.

- (iii) **Responsibility sits with the website operator who deployed the pixel**

What this means practically. If a pixel is on your website, you own the compliance obligation — regardless of who manages the campaign, or on whose servers the data sits.

- (iv) **The OAIC may now take a stricter stance on 'notification'**

What this means practically. General references in a privacy policy to 'direct marketing' will not be sufficient notification of the use of pixel tracking. Privacy policies should be reviewed to include further detail on how pixels are used and where the data will go.

3. OAIC Draft Children's Online Privacy Code

Next Steps

- Consultation on draft COPC is ongoing.
- The OAIC is considering submissions (submission deadline was June 2026).
- IAB will check in with the OAIC during this process.
- OAIC will issue its Guidance in **September 2026**.
- The obligation will commence on **10 December 2026**.

Background

- The Office of the Australian Information Commissioner published an exposure draft of the Children's Online Privacy Code, including new rules which require organisations to consider the best interests of children before collecting their personal information.
- IAB made a submission to the consultation in June 2026 – [here](#)

IAB key arguments (included in submission)

- The COPC should be amended to be consistent with the Privacy Act and the legislative mandate for the COPC. This may be achieved by:
 - **Making compliance practically possible** so that entities are not forced to apply a code intended to protect children to all end-users (adults and children alike).
 - Recognising that the protection of the privacy of individuals must be **balanced with the interests of entities** in carrying out their activities (s 2A(b), Privacy Act).
 - **Removing obligations that introduce new concepts and rights** and go beyond the Privacy Act.
- In particular:
 - The COPC risks operating as an indirect amendment to the Privacy Act, bypassing the legislative process that such changes would ordinarily require.
 - The threshold of 'likely to be accessed by children' and the 'best interests of the child' standard are both unclear.
 - The 'strictly necessary' standard is too narrow and inconsistent with the 'reasonably necessary' threshold in APP 3.
 - The consent framework creates significant practical difficulties and burdens on parents and children.
 - The COPC may fundamentally change the nature of the open web, effectively excluding children from the very services and information they need to learn, grow and engage as citizens.

4. OAIC Consultation — Guidance for Transparency on Automated Decision Making

Next Steps

- Consultation on ADM Guidance is ongoing.
- The OAIC is currently considering submissions (submission deadline was June 2026).
- IAB will check in with the OAIC during this process.
- The final Code will be implemented on **10 December 2026**.

Background

- The tranche 1 privacy reforms (legislated in 2024) included a new obligation to disclose the kinds of PI used in automated decision making systems, including ones using AI.
- The obligation applies where the automated decision process uses PI and could reasonably be expected to **significantly affect the rights or interests of an individual**.
- The OAIC is currently consulting on the Guidance that will accompany the obligation.
- IAB made a submission to the consultation in June 2026 - [here](#).

IAB key arguments (included in submission)

- **The ‘significantly affects rights or interests’ threshold should be meaningfully limited.** The test should be tied to decisions that have a direct and material impact on an individual’s rights or interests, such as entry to a country, access to healthcare, entitlement to housing benefits. If interpreted too broadly, the scale of potential disclosures would be unmanageable and ineffective.
- **Ad delivery systems should not be caught by the obligation.** The Guidance should make clear that content personalisation, routine ad delivery and optimisation (e.g. probabilistic ranking of competing ads within a finite display space) are not ‘decisions’ of the kind contemplated by the legislation.
- **The Guidance should clarify that ‘interests’ will not be defined by broad administrative law concepts.** The administrative law concept of interests is deliberately broad and targeted at government decision-making under statutory powers. It should not be applied to private sector entities carrying out ordinary commercial activities.
- **The entity that ‘arranged for’ the ADM process should be the entity that commissions the decision.** The OAIC should clarify that ad tech intermediaries, platform operators and content providers should not be treated as having ‘arranged’ decisions, simply because their products, content, services and infrastructure are used to communicate the advertising.
- **Disclosure should be proportionate, category focused and must not include confidential information.**

5. Upcoming Diary Dates

- **16 July 2026** (10.00am - 11.00am): **IAB 101 Series - *Therapeutic Goods Advertising – Can you say that?*** with Michael Shum – Department of Health ([register here](#)).
- **4 August 2026** (8.15am – 9.30am): **IAB Expert Series with Ashurst Perkins Coie - *Creators, Compliance and Commerce. How to market with Creators without breaking the law.*** Creator marketing has become a powerful driver of brand growth but it also brings increasing regulatory scrutiny. The rules are evolving rapidly, from disclosure obligations and misleading advertising risks to therapeutic goods, financial services and consumer law requirements. Join us for a practical discussion designed for commercial and regulatory leaders on how to harness the power of creators while managing legal and reputational risk.

For more information on any of these topics, please contact:

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