

PROPOSED AMENDMENTS TO THE SUBSCRIPTION BROADCAST TELEVISION, SUBSCRIPTION NARROWCAST TELEVISION AND SUBSCRIPTION NARROWCAST RADIO CODES OF PRACTICE TO REDUCE AND CONTROL THE PROMOTION OF LIVE ODDS DURING LIVE SPORTS BROADCASTS

22 April 2013

The Australian Subscription Television and Radio Association (ASTRA) invites comment on proposed amendments to the Subscription Broadcast Television, Subscription Narrowcast Television, and Subscription Narrowcast Radio Codes of Practice ('the ASTRA Codes') to reduce and control the promotion of live odds during live sports broadcasts.

Comments should be sent by email to: admin@astra.org.au

Comments must be received by **5pm Monday 20 May 2013**.

About ASTRA

ASTRA is the peak industry body for subscription television in Australia. ASTRA was formed in September 1997 when industry associations representing subscription (multi-channel) television and radio platforms, narrowcasters and program providers came together to represent the new era in competition and consumer choice. ASTRA's membership includes the major subscription television operators, as well as channels that provide programming to these platforms.

Background to the proposed ASTRA Codes amendments

On 27 May 2011, the Council of Australian Governments (COAG) Select Council on Gambling Reform announced it had agreed to take action to reduce and control the promotion of live odds during sports coverage. Ministers agreed:

- to consult with industry as to the scope of the measures designed to reduce and control the promotion of live odds during sports coverage, and
- that industry would be provided with the opportunity to address this issue through amendments to their existing industry codes.

Ministers acknowledged that racing would be exempt due to its long standing integral connection with wagering.

Under the *Broadcasting Services Act 1992* (Cth), industry groups representing particular sections of the broadcasting industry develop codes of practice, in consultation with the Australian Communications and Media Authority (ACMA), that are to be applicable to the broadcasting operations of those sections of the industry. The ACMA must register a code of practice if a group representing a particular section of the broadcasting industry develops a code of practice to be observed in the conduct of broadcasting operations of that section of industry, and the ACMA is satisfied that:

- the code of practice provides appropriate community safeguards for the matters covered by the code;
- the code is endorsed by a majority of providers of broadcasting services in that section of the industry; and

- members of the public have been given adequate opportunity to comment on the code.

The proposed amendments to the ASTRA Codes have been developed after an extended consultation period with the Australian Government from May 2011 to April 2013.

ASTRA notes that its subscription television and radio codes are currently under review, with draft revised codes released for public consultation in March and April 2012. This consultation in relation to the promotion of live odds is not part of that general codes review process and comments in response to this consultation should be limited to the proposed live odds provisions.

Overview of the draft code amendments

The proposed amendments to the ASTRA Codes will have the following effect:

- Sports commentators (including their guests) as part of a broadcast of a live sports event will be prohibited from promoting live odds relating to the sports event being broadcast:
 - at any time during play (including during breaks in play),
 - during the period 30 minutes before play commences and
 - during the period 30 minutes after play has concluded.

- A promotion of live odds relating to the sports event being broadcast will be permitted during that broadcast:
 - before play commences,
 - during scheduled breaks in play,
 - during a suspension in play and
 - after the cessation of play;

but only where that promotion is an advertisement or clearly identified sponsorship segment presented by a person other than a sports commentator (or their guests).

- For multi-sport events such as the Olympic and Commonwealth Games, a promotion of live odds will be permitted no more than once every two hours, and only where the promotion does not refer to an event, game or match that is underway, about to commence or has just finished.
- An advertisement or sponsorship information relating to a gambling organisation will be permitted during a live sports broadcast, provided that advertisement does not contain any reference to live odds relating to the sports event being broadcast.
- Any promotion of live odds must:
 - be socially responsible and not mislead or deceive the audience;
 - not be directed at children or portray live odds betting as a family activity;
 - avoid exaggerated claims, association with alcohol, or association with success or achievement; and
 - be accompanied by a responsible gambling message.
- Restrictions on the promotion of live odds will not apply to:
 - the promotion of live odds pursuant to a commercial agreement in effect before 27 May 2011;
 - coverage of horse racing, harness racing and greyhound racing events;
 - a live odds promotion as part of a broadcast of a live sports event originating from outside Australia, where it is not reasonably practicable to remove the live odds promotion from the broadcast;
 - subscription television services accessed on a pay-per-view basis; or
 - subscription television services provided solely to licensed commercial premises.