

15 December 2017



Mr Peter Tonagh
Chair
ASTRA
5 Thomas Holt Drive
NORTH RYDE NSW 2113

(via email: admin@astra.org.au)

Dear Mr Tonagh

I write on behalf of Responsible Wagering Australia (RWA) regarding the review of the provisions relating to the broadcast of gambling and betting commercials and the promotion of odds (**the Gambling Provisions**) in live sport in the Subscription Television Broadcasting and Narrowcasting Codes of Practice (**the Codes**). RWA appreciates the opportunity to participate in this process.

As you would be aware, RWA is the independent peak body for the Australian online wagering industry. Our objective is to ensure that Australia has the best conducted, socially responsible wagering industry in the world. RWA members include leading online wagering companies Betfair, CrownBet, Ladbrokes, Sportsbet and Unibet. Importantly, our members are required to abide by a publicly available Code of Conduct that includes commitments to meet global best practice in the responsible provision of gambling and harm minimisation. This includes industry-leading commitments to reduce the volume of wagering advertising and to ensure that appropriate controls exist on a national basis.

RWA considers that new Federal Government gambling advertising restrictions announced on 6 May 2017 represent significant reform and will meaningfully reduce the levels of gambling advertising seen by people under the age of 18. RWA and its members recognise there is public concern about the level of gambling advertising, particularly the volume of gambling advertising that is viewed by minors, and we believe the Government's announcement adopts a sensible response to these community concerns. We welcome the opportunity to work constructively with ASTRA on the implementation of these restrictions for subscription television.

Based on the proposed changes to the Codes as outlined in your consultation paper, RWA has identified several concerns with respect to the implementation of these restrictions. In

particular, the issues identified below must be addressed if the Code is to support the Government's stated policy intent which is to "establish a clear and practical 'safe zone' on any platform for children watching or listening to sport"¹. Prime Minister Turnbull has made it clear that these reforms are about "ensuring that parents won't have to have their children subjected to gambling advertising before 8.30pm."²

1. Exemption provided to Long Form Sporting Events

Clauses 3 and 4 establish separate rules for long form sporting events that would permit one gambling commercial to be broadcast every two hours during these types of events. This would enable gambling advertisements to air during the Government's stated 'safe zone' from 5am until 8.30pm. RWA is strongly opposed to the addition of this clause, which would result in minors being exposed to gambling advertising. We therefore believe it should be removed.

2. Exemption provided to low audience share channels

Clause 14 provides an exemption to allow wagering advertisements to be broadcast on low audience share channels during a live sporting event. This could see an unlimited number of gambling advertisements broadcast during the Government's stated 'safe zone' from 5am until 8.30pm on low audience share channels, such as ESPN, ESPN 2 and Eurosport. This would see minors exposed to reoccurring, high impact gambling advertising during live sport. RWA is strongly of the view that the restrictions should apply to all channels, including low audience share channels.

3. Amendment to the definition of *betting advertisement*

The definition of *betting advertisement* has been amended to exclude fantasy sports. This change would enable advertisements relating to fantasy sport products to air during the Government's stated 'safe zone' from 5am until 8.30pm. This would see minors exposed to reoccurring, high impact gambling advertising during live sport. RWA strongly believes that advertisements relating to fantast sports betting products should not be exempted from the restrictions.

4. Amendment to the definition of *Incidental Accompaniment*

The definition of *Incidental Accompaniment* has been amended to include "the official sponsors of the competition, event, match, team". We are concerned this amendment could see commentators or others refer to an event as being brought to the audience by a wagering operator. This would be akin to allowing wagering advertising by stealth. We do not consider this to be in keeping with the policy intent to create a 'safe zone' free of wagering advertisements, nor in line with community expectations on this issue.

¹ <https://www.communications.gov.au/what-we-do/television/broadcast-and-content-reform-package>

² <https://www.malcolmtturnbull.com.au/media/remarks-at-the-future-of-media-summit>

Thank you for the opportunity to provide comments on the proposed changes to the Code. We have also relayed these concerns to the Australian Communications and Media Authority and the Minister for Communications. If RWA can be of any further assistance on this matter, please do not hesitate to contact our office on 03 9621 2562.

Yours sincerely

A handwritten signature in blue ink that reads "Stephen Conroy". The signature is written in a cursive style with a large, stylized 'S' and 'C'.

Stephen Conroy
Executive Director