



Review of Provisions Relating to the Broadcast of Gambling and Betting Commercials and the Promotion of Odds in Live Sport in the Subscription Television Industry Code of Practice

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Financial Counselling Australia (FCA) is the peak body
for financial counsellors in Australia

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About Financial Counselling Australia

FCA is the peak body for financial counsellors in Australia. We support financial counsellors and provide a voice on national consumer issues. We advocate on behalf of the clients of financial counsellors for a fairer marketplace that will prevent financial problems in the first place.

What Financial Counsellors Do

Financial counsellors provide information, support and advocacy to people experiencing financial difficulty. Working in community organisations, their services are free, independent and confidential. Financial counsellors are required to hold, or to obtain, a Diploma in Financial Counselling. They need knowledge of a wide range of areas of law and policy, including consumer credit law, debt enforcement practices, the bankruptcy regime, industry hardship policies and government concession frameworks.

Financial counsellors also document their experiences and highlight issues that have a negative impact on their clients. Either individually, or through FCA, they consult with industry, government and other stakeholders and to encourage practices that prevent financial and consumer problems in the first place.

The main causes of financial difficulty are unemployment, illness and relationship breakdown. Financial counsellors also assist many people trying to make ends meet on very low incomes.

About Gambling Financial Counselling

There are 50 specialist gambling financial counselling positions in Australia, although generalist financial counsellors also see clients with gambling issues. Some clients with issues with gambling seek help to stop gambling; others initially seek help to deal with their debts and may later seek support to stop gambling.

Some people see a financial counsellor when they are unable to meet ordinary living expenses or are struggling with gambling-related debt. Family members impacted by a problem gambler's losses may also seek assistance from financial counsellors to attempt to safeguard family assets, get help in dealing with debt collectors, and to formulate a harm minimisation plan. For some clients, bankruptcy is an option. Financial counsellors work closely with therapeutic gambling counsellors. Sadly, financial counsellors regularly see suicidal clients.

Executive Summary

Factsheet: Gambling Advertising, October 2017 (communications.gov.au)

The Turnbull Government will introduce further restrictions on gambling advertising during live sports programs during children's hours on commercial and subscription broadcasters, the Special Broadcasting Service (SBS) and online platforms. Our changes will establish a clear safe-zone during which parents can have confidence that their children will not be exposed to gambling advertisements.

Why is the Government making this change?

The Government acknowledges community concern that regular exposure to gambling advertisements during live sport could normalise gambling in the eyes of children. There is community support for reducing gambling advertising as existing rules are not meeting community expectations about appropriate safeguards.

The Government will give effect to further restrictions on gambling advertisements during live sports programs shown before 8:30pm on commercial television and radio, subscription television and radio, the SBS and online platforms. Gambling advertisements will not be able to be shown from five minutes before a live event commences, during the event and for five minutes after the event has concluded. The restrictions will apply between 5:00am and 8:30pm.

Financial counsellors see the significant harm caused by gambling losses and related debts. The demographic of harm appears to be changing with increasing numbers of young people presenting with financial difficulty and gambling related debts. We welcome the government's announcement regarding the introduction of a 'clear safe zone' for families to watch sports events. This is a solid short-term measure until such time as a comprehensive approach to gambling advertising is proposed. We note that it is not just children that are harmed by gambling advertising. Young adults, particularly those with an interest in sports and gaming are particularly susceptible to online betting and monetized gaming which is increasingly resembling gambling.

Based on the proposed changes to the Subscription Television Industry Codes of Practice (**the Codes**), we have identified a number of concerns. Primarily, we are concerned that the proposed changes are not in line with the intent of the Government. Specifically, the following considerations should be addressed:

1. Exemption provided to long form sporting events undermines the proposed new time zone

Clauses 3 and 4 of the Code provide for an exemption around 'long form sports events' and offers gambling companies the opportunity to advertise once every two hours in breaks during such events. This is contrary to the intent of government for families to have a 'clear safe-zone during which parents can have confidence that their children will not be exposed to gambling advertisements'. This exemption therefore undermines the new restricted time period of 5:00 am to 8:30 pm which was meant to be a 'safe-zone'.

Further, while the exemption only provides for one advertisement to be broadcast every two hours, the section is not clear as to whether that is intended to be one advertisement in total or one advertisement per gambling company every two hours. If the exemption were open to one advertisement per company, the considerable number of companies that will inevitably take up this opportunity will result in a significant amount of advertising occurring during the restricted time.

FCA strongly opposes this clause, as it will lead to young people being exposed to gambling advertising during sporting events. All exemptions weaken the Code's efficacy. There are no public policy reasons for allowing this exemption.

2. Exemption provided to low audience share channels undermines efficacy of the Codes

The exemption provided in Clause 14 to allow gambling advertisements to be shown on low audience share channels during live sporting events should not be permitted. This exemption could result in an unlimited number of such advertisements being broadcast during the 'safe zone', again undermining the efficacy of the harm prevention attempts.

3. Exemption to range of locations and audiences is too broad

The exemption provided to services delivered as Subscription Narrowcasting Services to limited locations, limited audiences or commercial premises, as proposed by Clause 16(c), is too broad. As it is currently drafted, part (i) of the clause would permit gambling advertisements to be shown in hotels and short-term accommodation, part (ii) would allow advertisements to be shown on channels produced by, on behalf of, or in connection to the gambling industry. FCA considers that these exemptions will put minors at significant risk of being exposed to gambling

advertisements, undermining both the intent of the government and purpose of these amendments.

4. Amendment to definition of 'incidental accompaniment' is too broad

The proposed amendment to the definition of 'incidental accompaniment' should not be permitted to include 'the official sponsors or the competition, event, match, team'. Sponsorship statements are clearly just another form of gambling advertising and will be seen as such by everyone, including minors. When a weather report, or sports segment is 'brought to you by [gambling company]' – with a tagline, it normalises gambling. We do not support this inclusion in the definition. The proposed restrictions on advertising should also extend to sponsorship statements.

5. Final Points

While FCA supports the implementation of these amendments, with due consideration given to the issues put forward, our preferred position is a phased ban on all gambling advertising on subscription television. A process similar to that implemented for the tobacco industry, where public health advertisements replaced those promoting smoking, would provide for a transition for industry.

Further, the sanctions and penalties handed down when breaches occur are inadequate to properly address these serious issues. Removing the advertisement does not reverse the exposure, nor does it adequately discourage future recurrence. Instead, there should be a number of enforcement mechanisms available to properly deter companies from acting in this way again. There must be a responsive dialogue between television stations, the Australian Communications and Media Authority and the regulators who license the gambling companies to ensure that companies are held responsible for purchasing the advertisement space. For example, if a gambling company purchases an advertising space during the restrictive time zone, outside of what is permitted, then a complaint should automatically be placed with the regulator responsible for that gambling license.

FCA appreciates the opportunity to comment on the proposed amendments to the Codes. If we can be of any further assistance, please contact Ellie Dwyer on 03 8554 6979 or ellie.dwyer@financialcounselingaustralia.org.au