

4 November 2016

Secretariat  
Illegal Offshore Wagering Taskforce

By email: [IOWT.Secretariat@dss.gov.au](mailto:IOWT.Secretariat@dss.gov.au)

Dear Sir/Madam

## **A National Consumer Protection Framework for Online Wagering in Australia – Discussion Paper**

The Australian Subscription Television and Radio Association (ASTRA) welcomes the opportunity to comment on the Discussion Paper for a National Consumer Protection Framework for Online Wagering in Australia (the Discussion Paper).

### **About ASTRA**

ASTRA is the peak industry body for subscription media in Australia. ASTRA was formed in September 1997 when industry associations representing subscription (multichannel) 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 TV operators, as well as over 20 independently owned and operated entities that provide programming to these platforms, including Australian-based representatives of international media companies, small domestic channel groups and community-based organisations.

ASTRA's members deliver to consumers a diverse range of news, information, sport and entertainment programs which convey significant social benefits to a broad cross-section of the Australian community. In 2016, one third of Australians subscribe, along with millions more who watch subscription content in public venues. Every week more than 1000 hours of first-run locally produced content is broadcast, as well as the best international content.

In 2015/16 ASTRA members invested more than \$893 million in local content production, added \$2.008 billion to the economy, and created jobs for 8340 Australians.

ASTRA is concerned to ensure that regulation affecting the industry does not inhibit this investment, productivity and job creation.

### **Adequacy of existing safeguards**

Whilst ASTRA recognises that betting is a legitimate pursuit and the overwhelming majority of Australians who bet on racing and sport do so safely and responsibly, ASTRA members take very seriously their responsibility to ensure advertising for

gambling products and services is in line with community expectations, in particular in relation to children.

As noted in the Discussion Paper, these restrictions include:

- Special care requirements in the Subscription Broadcast Television Codes of Practice (clauses 6.3(a) and 6.5 of the Codes)
- Advertising standards imposed under the AANA Codes which apply across all media, including:
  - the community standards safeguards in the AANA Codes of Ethics (clause 2.6); and
  - specific wagering advertising restrictions in the AANA Wagering Advertising & Marketing Communication Code.
- Extensive restrictions on the integration of live odds and other betting advertising into sports coverage (Appendix A of the Subscription Broadcast Television and Subscription Narrowcast Television Codes of Practice)
- Comprehensive state-based regimes.

For further details on these existing restrictions, please refer to [Attachment A](#).

ASTRA members adhere to these restrictions. Since January 2014 there have been fewer than 15 complaints about gambling advertisements made under the ASTRA Codes. One was escalated to the ACMA for investigation and the ACMA found that the advertisement in question did not breach the ASTRA Codes.

We submit that these restrictions are operating well to limit the exposure of families and children to live odds and other betting advertisements.

ASTRA also notes that ratings information demonstrates that adults are the overwhelming majority of viewers across sports programming. For example, unsupervised children (0-17 years) currently comprises only 2.23% of viewership (down from 3.07% in February) across the Fox Sports suite of channels.

### **Discussion Paper proposals**

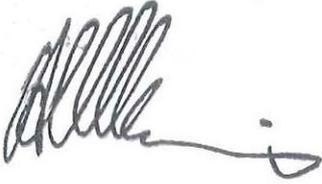
We note the Discussion Paper seeks feedback on proposals to harmonise existing, differing state-based advertising restrictions. ASTRA agrees that the existing patchwork of state-based regulations is difficult to comply with and imposes an unnecessary operational and compliance burden on advertisers, broadcasters and website/application operators.

ASTRA supports the need to avoid excessive regulation and to find a pragmatic, harmonised approach across the key areas of inducements, online advertising and responsible gambling. ASTRA would also welcome the establishment of a Commonwealth-administered minimum standard, with no further state or territory regulatory intervention going forward.

Given the extent of existing regulation, ASTRA does not support any net increase in regulatory restrictions arising from harmonisation.

Thank you for the opportunity to comment on the Discussion Paper. If you have any queries in relation to the above, please contact Holly Brimble, Policy and Regulatory Manager ([holly.brimble@astra.org.au](mailto:holly.brimble@astra.org.au) or 02 9776 2688).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Maiden', with a long horizontal flourish extending to the right.

Andrew Maiden  
CEO

## ATTACHMENT A

### SUBSCRIPTION TELEVISION - WAGERING ADVERTISING

Wagering advertising on subscription TV (STV) is comprehensively regulated by enforceable restrictions on a nationally consistent basis.

**Existing restrictions are comprehensive and includes rules that:**

- require special care when advertising in children's programming and prohibit ads that could place children in jeopardy (cl 6.3(a) ASTRA Codes).
- require STV licensees to take into account the intellectual and emotional maturity of the intended audience when scheduling ads (cl 6.5 ASTRA Codes).
- set down a wide ranging set of restrictions on the promotion of 'live odds' and betting advertising during play (Appendix A ASTRA Codes).
- prohibit advertising of interactive gambling services (*Interactive Gambling Act 2001*) (IGA).
- restrict the content (eg inducements) and product type (eg in-play gambling) of wagering advertising, under various State regulations across different media.
- require detailed and varying responsible gambling messaging under various State and federal regulations.

**Existing restrictions are enforceable:**

- Under the *Broadcasting Services Act 1992*, the ACMA cannot register an ASTRA Code unless it provides appropriate community safeguards.
- ASTRA Codes reinforce compliance with the AANA Codes. The AANA Codes apply to any advertising medium, including broadcast, online and social media.
- Viewers may make complaints regarding any aspect of the ASTRA Codes, which can then be escalated to the ACMA.
- The ACMA can investigate Code breaches and has significant enforcement powers
- In addition to the ACMA's direct oversight of the IGA, compliance with the IGA advertising prohibition is a broadcasting licence condition subject to ACMA enforcement powers.
- The various state-based wagering restrictions are enforced by state regulators with penalties for non-compliance.

**STV is different to free-to-air television:**

- STV is a national signal and we cannot differentiate advertising from state to state. This makes the most restrictive rules the de facto national standard.
- STV is a discretionary service. Our customers make the choice to access STV.
- We do not use large amounts of public spectrum.
- We widely promote the availability of the parental lock-out system.
- STV has behaved responsibly in terms of volume and frequency of wagering advertising.