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Exempt under
34(1)(c) - Cabinet documents

Background

Summary of Recommendation 26 (Gambling Advertising)

- The Committee recommends the Government implement a comprehensive ban on all forms of advertising for online gambling, to be introduced in four phases, over three years, commencing immediately:
 - Phase One – December 2023
 - Prohibition of all online gambling inducements and inducement advertising.
 - Prohibition of all advertising of online gambling on social media and online platforms.
 - Removal of the exemption for advertising online gambling during news and current affairs broadcasts.
 - Prohibition of advertising online gambling on commercial radio between 8.30-9.00am and 3.30-4.00pm (school drop off and pick up).
 - Phase Two – Beginning of 2025
 - Prohibition of all online gambling advertising and commentary on odds, during and an hour either side of a sports broadcast.
 - Prohibition on all in-stadia advertising, including logos on players' uniforms.
 - Phase Three – End of 2025
 - Prohibition of all broadcast online gambling advertising between the hours of 6.00am and 10.00pm.
 - Phase Four – End of 2026
 - Prohibition on all online gambling advertising and sponsorship.
- The Committee also recommended two exemptions and considerations:
 - Gambling advertising on dedicated racing channels and programming should be exempt from the ban.
 - Small community radio broadcasters should be exempt from further restrictions until December 2025.

Summary of classification recommendations

- The Committee recommended:
 - Consistent application of classification ratings in computer games across online app stores (recommendation 27)
 - Public education and awareness, particularly for parents, caregivers and educators, on all elements of simulated gambling (recommendation 28)
 - Commissioning research into an effective simulated gambling warning label, for use under the National Classification Scheme (recommendation 29), and
 - Convening a working group to develop and implement minimum consumer protections for interactive games and consider whether games containing paid loot boxes should have default spending controls, transparent odds and drop rates for items, default opt ins for loot box content. These protective measures should be reviewed by Government and legislative options considered if protections are not being consistently applied (recommendation 30).

Summary of Private Member Bills

Attachment A provides a comparison of Recommendation 26 from the Online Gambling Inquiry and the follow private member Bills.

Zoe Daniel Bill

- On 22 May 2023, Zoe Daniel (Member for Goldstein) introduced the [Broadcasting Services Amendment \(Prohibition of Gambling Advertisements\) Bill 2023](#).
- The Bill would amend the BSA to ban gambling advertisements on broadcast television and radio, and related television streaming services (i.e. BVODs, KAYO).
- The ban would commence 6-months after Royal Assent.
- On 14 June 2023, Zoe Daniel moved a motion to suspend standing orders to give priority for her Bill. The motion was not agreed to.

Opposition Bill

- On 14 June 2023, Senator Henderson (Senator for Victoria) introduced the [Broadcasting Services Amendment \(Ban on Gambling Advertisements During Live Sport\) Bill 2023](#). This followed the announcement by Opposition leader Peter Dutton in his Budget Reply speech on 11 May 2023.
- The Bill would amend the BSA (under the codes for broadcasters and Schedule 8 for streaming services) to ban all gambling advertisements during live sporting events on television and radio broadcasting, and live streaming of sporting events. The ban would commence one hour before the scheduled start of the match and end one hour after its conclusion.
- The Bill would commence on the day of Royal Assent.
- The Bill was debated in the Senate on 21 and 22 June 2023.
- Senator Pocock (Senator for ACT) has proposed amendments to the Bill which would see a full ban applied to broadcast and online services under the BSA, and would commence 6-months after Royal Assent.

Rebekha Sharkie Bill

- On 19 June 2023, Rebekha Sharkie (Member for Mayo) introduced the [Interactive Gambling Amendment \(Ban on Gambling Advertisements\) Bill 2023](#).
- The Bill would amend the IGA to ban advertising of a licensed interactive wagering service that is a gambling service.
- This will prohibit television, print, radio and online advertising of interactive gambling services such as telephone and online gambling.

Current gambling advertising restrictions

- Most content broadcast in Australia is regulated by co-regulatory codes of practice developed by broadcasting industry sectors in accordance with the *Broadcasting Services Act 1992*.
- Broadcast television requirements in relation to gambling promotions generally relate to the scheduling or content of promotions rather than volume. However, there are hourly limits for advertising in general which apply to commercial free-to-air television broadcasters and are set out in the relevant code of practice.
- The Commercial Television Code of Practice prohibits gambling advertisements during:
 - General (G), Preschool (P) or Children's (C) rated programs broadcast between 6:00am and 8:30am, and 4:00pm and 7:00pm; and

- any program that is broadcast between 5:00am and 8:30pm which is principally directed to children.
- The prohibitions do not apply during a news, current affairs or sports program broadcast in those time periods. They also do not apply to advertisements relating to government sanctioned lotteries, keno or contests, or, generally, to advertisements for entertainment or dining facilities where gambling may take place.
- The Commercial TV Code, Subscription TV Code, *Commercial Radio Code of Practice* (Commercial Radio Code), *Subscription Narrowcast Television Codes of Practice*, *Subscription Narrowcast Radio Codes of Practice* restrict gambling promotions, at the noted time periods, during the live coverage of sporting events.
- The rules for live sport differ depending on whether the broadcast coverage of the sport is provided between 5.00 am and 8.30 pm or between 8.30 pm and 5.00 am.
 - Between 5.00 am and 8.30 pm
 - gambling advertising is prohibited from five minutes before the scheduled start of play until five minutes after conclusion of live coverage of play
 - the promotion of betting odds is prohibited from 5 minutes before play until 5 minutes after play.
 - the promotion of betting odds by commentators is prohibited from 30 minutes before play until 30 minutes after play.
 - Between 8.30 pm and 5.00 am
 - gambling advertising and the promotion of odds is not permitted during play
 - gambling advertising is permitted before and after play and during scheduled and unscheduled breaks
 - the promotion of betting odds is permitted only before and after play, not in scheduled breaks
 - the promotion of betting odds by commentators is prohibited from 30 minutes before play until 30 minutes after play.
 - At all times
 - gambling advertising and promotion of betting odds during a live sporting event must be accompanied by a responsible gambling message
 - gambling advertising must be socially responsible and not mislead the audience; not be directed to children; portray children as participating in betting or gambling; portray betting or gambling as a family activity; make exaggerated claims; promote betting or gambling as a way to success or achievement; or associate betting or gambling with alcohol.
 - Long-form live sporting events (including sporting events of extended duration such as golf, cricket, and motor sports, tournaments of single sports that involve matches such as tennis, and multi-sport events such as the Olympic and Commonwealth Games)
 - broadcasters must not show gambling advertising from 5 minutes before the start of the first event of the day until 8.30 pm when airing a long form live sporting event.
 - after 8.30 pm gambling ads are permitted in accordance with rules applicable to the long-form event, for example during the Olympics, between each day, twilight and night session and not more than once every two hours as part of a distinct break of at least 90 seconds
 - after 8.30 pm a promotion of betting odds by persons other than commentators is permitted during play as part of a distinct break of 90 seconds and in accordance with rules applicable to the long-form event, for example, during the Olympic Games not more than once every 3 hours on each day of competition.
- These rules do not apply to live horse, harness or dog racing.

- The *Broadcasting Services (Online Content Service Provider Rules) 2018* restricts the showing of gambling promotions during online streams of live sporting events. These gambling promotions restrictions are similar to those which broadcasting industry codes impose on the broadcast of live sporting events.
- The codes of practice include procedures for dealing with complaints by ACMA.
- Codes of practice are periodically reviewed. Members of the public may contact the relevant peak industry body to raise their concerns.

Attachment A: Comparison of Recommendation 26 and the Private Member Bills

| Committee Proposed Approach | Opposition Bill (BSA) | Pocock Amendment to Opposition Bill (BSA) | Zoe Daniel Bill (BSA) | Rebekha Sharkie Bill (IGA) |
|--|--|---|---|---|
| <u>Phase 1 – December 2023</u> | | | | |
| Prohibition of all: | | | | |
| a) online gambling inducements; and | Not addressed. | Not addressed. | Not addressed. | Not addressed. |
| b) inducement advertising. | Not addressed. | Addressed in part. Total ban on all advertising on broadcasting and streaming services, to commence 6-months after Royal Assent. | Addressed in part. Total ban on broadcast television and radio, and related television streaming services (BVODs, Kayo). | Addressed in part. Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. |
| Prohibition of all advertising of online gambling on social media and online platforms (online platforms does not include streaming services ¹). | Not addressed. | Not addressed. | Not addressed. | Addressed. Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. |
| Removal of the exemption for advertising online gambling during news and current affairs broadcasts. | Not addressed. | Addressed. Total ban on all advertising on broadcasting and streaming services, to commence 6-months after Royal Assent. | Addressed. Total ban on broadcast television and radio, and related television streaming services (BVODs, Kayo). | Addressed. Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. |
| Prohibition of advertising online gambling on commercial radio between 8.30-9.00am and 3.30-4.00pm (school drop off and pick up). | Not addressed. | Addressed. Total ban on all advertising on broadcasting and streaming services, to commence 6-months after Royal Assent. | Addressed. Total ban on broadcast television and radio, and related television streaming services (BVODs, Kayo). | Addressed. Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. |
| <u>Phase 2 – Early 2024</u> | | | | |
| Prohibition of all online gambling advertising and commentary on odds during and an hour either side of a sports broadcast. | Addressed. Ban gambling advertisements 1 hour before, during, and 1 hour after live sporting events on broadcasting and streaming services, to commence on the day of Royal Assent. | Addressed. Total ban on all advertising on broadcasting and streaming services, to commence 6-months after Royal Assent. | Addressed. Total ban on broadcast television and radio, and related television streaming services (BVODs, Kayo). | Addressed. Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. |
| Prohibition on all in-stadia advertising, including logos on players' uniforms. | Not addressed. | Not addressed. | Not addressed. | Not addressed. |
| <u>Phase 3 – December 2025</u> | | | | |
| Prohibition of all broadcast online gambling advertising between the hours of 6.00am and 10.00pm. | Not addressed. | Addressed. Total ban on all advertising on broadcasting and streaming services, to commence 6-months after Royal Assent. | Addressed. Total ban on broadcast television and radio, and related television streaming services (BVODs, Kayo). | Addressed. Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. |

¹ See paragraph 5.140 in the *You win some, you lose more* report, available at: https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Onlinegamblingimpacts/Report

| Committee Proposed Approach | Opposition Bill (BSA) | Pocock Amendment to Opposition Bill (BSA) | Zoe Daniel Bill (BSA) | Rebekha Sharkie Bill (IGA) |
|--|---|--|--|---|
| <u>Phase 4 – December 2026</u> | | | | |
| Prohibition on all online gambling advertising and sponsorship. | Not addressed. | Addressed in part. Total ban on broadcast television and radio, and related television streaming services (BVODs, Kayo). Does not ban on other mediums (including social media, websites, stadiums, jerseys, billboards, etc). | Addressed in part. Total ban on broadcast television and radio, and related television streaming services (BVODs, Kayo). Does not ban on other mediums (including social media, websites, stadiums, jerseys, billboards, etc). | Addressed in part Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. Does not ban out of home mediums (stadiums, jerseys, billboards etc.) |
| <u>Proposed exemptions</u> | | | | |
| Gambling advertising on dedicated racing channels and programming should be exempt from the ban. | Not addressed | Not addressed. | Not addressed | Not addressed. |
| Small community radio broadcasters should be exempt from further restrictions until December 2025. | Addressed in part. Ban does not apply to community broadcasters. | Addressed in part. Ban does not apply to community broadcasters. | Addressed in part. Ban does not apply to community broadcasters. | Addressed. Total ban on all advertising on television, print, radio and online, to commence 6-months after Royal Assent. |

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